

MINUTES

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

November 23, 2004
7:00 p.m.

PRESENT: Steve Moe, Chair; Bill Carpenter, Vice Chair; Frank Cross, Gayle Decker, Lee Beyer, David Cole, Greg Shaver, members; Jim Donovan, Colin Stephens, Bill Grile, Gary McKenney, Dan Brown, John Tamulonis, City of Springfield staff; Joe Leahy, City 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 deferred approval of minutes to the next meeting of the commission.

3. REPORT OF COUNCIL ACTION

There was no report.

4. BUSINESS FROM THE AUDIENCE

There was no one wishing to speak.

5. QUASI-JUDICIAL PUBLIC HEARING

A. Expedited Vacation of Sports Way South of Maple Island Slough Road and Declaring an Emergency JO# LRP2004-00030 -

Planner Colin Stephens described the application for roadway vacation for Sports Way south of Maple Island Slough Road. He read into the record the criteria for approval that the applicants must demonstrate they had met:

1. The vacation is in conformance with the Metro Plan, including any adopted street plans and/or conceptual plans; and
2. There are no negative affects on access, traffic circulation, and emergency services protection or any other public benefit derived from the easement, right-of-way, or plat.

Mr. Stephens stated that testimony and evidence submitted by participants in the hearing must be directed to the criteria; failure to raise an issue with sufficient specificity to afford the decision-makers and the parties an opportunity to respond the issue precluded appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Commissioner Moe opened the public hearing and asked for declarations of conflict of interest or ex-parte contacts. Commissioners Carpenter and Cole stated that they had attended a Royal Caribbean opening luncheon, but had no individual contact with any of the interested parties and their

decisions would not be affected.

Planner Jim Donovan summarized the staff report and discussion at the preceding work session and entered the staff report into the record. He commented that staff found the proposal complied with the criteria of approval, the requisite signatures had been provided, and the action was duly noticed and posted on the site.

Responding to a question from Commissioner Beyer, Mr. Donovan said that property owners in the surrounding area were notified.

Commissioner Shaver asked if affected public utility providers were also notified and which of them had responded. Mr. Donovan said that utility providers were notified and he had contacted them individually to obtain their input; affirmative responses were received from the Springfield Utility Board (SUB), EWEB, and Northwest Natural. He said that Rainbow Water District and Pacific Corp did not respond.

Referring to the proposed Ordinance, Commissioner Shaver asked if Section 11 was the clause that allowed the final, actual legal description of easement locations to be made after the commission's recommendation was made. Mr. Donovan said it was and the provision was included because in field conditions the location was not certain until the site plan was matched with the utility plans.

Commissioner Carpenter asked how far to the east Maple Island Drive progressed and was developed from the Sports Way intersection. Mr. Donovan said Maple Island Drive extended from the intersection with Sports Way to the east boundary of the subject site and the interim easement was to connect to the existing improved public street. He said the property owner to the east had not raised an objection to the proposed vacation or provided comment for the record.

Commissioner Cross asked for clarification of the proposed easements to the east and asked if property was currently in place to allow the City to move forward with access in the case of additional development. Mr. Donovan replied that there were existing agreements for portions of the right-of-way from the eastern terminus of the subject site east to the Sony site and there were mechanisms in place to acquire the last two properties if required.

Terri Harding, Satre Associates Planning Manager, 132 East Broadway, Eugene, spoke on behalf of the applicant. She described the proposed construction by Royal Caribbean of a 1,000 employee customer service center on the subject property. She said the site plan review package was submitted to the City on November 12, 2004, and in order for the site plan to be approved and the customer service center developed the 435-foot section of Sports Way needed to be vacated. She said that commensurate with the vacation request was an offer from the applicant to the City to dedicate 70 feet of right-of-way along the southerly parcel boundary east of Sports Way for the future road connection. She said the applicant was working with all of the utilities to provide the language they required for an easement and a draft of the agreement had been submitted to staff and would be executed prior to the City Council hearing. She said the private property just outside the UGB owned by the Knox Family Trust took secondary access from the end of the Sports Way right-of-way and noted that the property had a primary access point on its north end via a County road. She said that Royal Caribbean was committed to working with the Knox family to reach an agreement regarding an access easement through the site until the local street system is built out in the Campus Industrial area.

Ms. Harding reviewed the vacation proposal's compliance with the approval criteria. She noted that access and circulation had historically been provided to utilities via easements over gravel

roads and therefore the existing improvements were not required to ensure adequate access for utility providers. She said the applicant would continue to provide access and infrastructure easements through the site and would guarantee that the easements were recorded as part of the development review process. She commented that Sports Way and Maple Island Drive did not currently provide any direct connection to uses within the UGB or other roads to the north or east and therefore the vacation would have no negative affects on traffic or circulation; development of the property through the site plan review process would require review of transportation access and circulation and ensure that all necessary street connectivity was provided for in accordance with adopted policies and standards. She asked that the commission recommend approval of the proposal so the City Council could act on the matter December 6, 2004.

Referring to the work session discussion of the requirement that two-thirds of the surrounding property owners approve, Commissioner Carpenter asked if the percentage was based on the number of owners or acreage. Ms. Harding said that the calculation was based on acreage in accordance with statutory language.

Jim Spickerman, 975 Oak Street, Eugene, an attorney representing the Knox Family Trust, entered into the record a letter representing the trust's position. He disputed the characterization of the southern access to the Knox property as secondary access. He said the Knox family regarded the southern access as primary and the access from the north via a 40-foot unimproved right-of-way as alternate access.

Commissioner Beyer noted that the southern access was gated and asked if the Knox family or their tenants used that access. Mr. Spickerman said it was his understanding that the access was used, but he was not certain how frequently or which access was the most used.

Commissioner Carpenter asked if more detailed information would be provided for the record. Mr. Spickerman replied that he did not intend to provide more information and hoped to resolve issues with the City prior to final approval.

Mr. Donovan summarized that the approval criteria had been met and the City was engaged in ongoing good faith efforts to resolve the Knox Family Trust's concern. He asked that the commission recommend approval.

Ms. Harding said her characterization of primary and secondary access to the Knox property was based on her assumption that the Sports Way access was newer and the applicant was dedicated to working with the Knox family to reach an acceptable easement.

Commissioner Moe closed the public hearing.

Commissioner Shaver said it was always serious to consider relinquishing any public easement because it was carefully, and sometimes expensively, acquired and there had to be a high standard for removing one. He believed the applicant had met the conditions of approval as outlined in statutes and his concerns regarding utility providers were satisfied. He was pleased with the provision to the Ordinance to allow modification of final alignment at a later date. He said access issues for someone who was outside of the City limits and UGB was secondary, yet important, and the City, the applicant, and the property owner were willing to work out a suitable easement access for the property to the north.

Commissioner Shaver moved, seconded by Commissioner Beyer, to forward to the City Council a recommendation for approval of the request for the vacation of Sports Way.

Commissioner Beyer commended Mr. Donovan's description of the proposal and work with utility providers and surrounding property owners. He said the vacation would not restrict access to other property owners.

Commissioner Carpenter said he was always concerned when public facilities were being destroyed and not replaced in-kind with a like public facility at the time; however, the overall benefits of the vacation more than justified the lost capital expenditures that the City had made over time. He supported the motion.

Commissioner Decker said she assumed, based on the diagram, that the proposed public access easement was adequate to support the transportation of utility and emergency vehicles and she hoped that the City would require that it be able to handle those vehicles as well as farm equipment so the access afforded currently by Sports Way would not be compromised. She said she would support the motion.

The motion passed unanimously.

6. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Bill Grile reported that the City Council, at its meeting the previous evening, had discussed the impact of the passage of Ballot Measure 37. He distributed materials from the League of Oregon Cities (LOC) and Oregonians in Action related to the measure. He said that measure was likely to have a greater impact on the County than the City and the City Council had directed staff to develop strategies to fairly implement the statute and respond to demands for relief. He said the measure would go into effect on December 2, 2004.

According to Mr. Grile, the statute did not require an application, submittal, or fee related to obtaining relief under the measure; jurisdictions had 180 days from the date a demand was submitted to evaluate it and respond and in the absence of a response from the jurisdiction or disagreement with the response there were provisions for seeking relief through the circuit court.

Mr. Leahy clarified that jurisdictions could adopt procedures for processing claims, but those procedures would not prevent a property owner who chose not to use them from filing a claim with the court, nor would the owner's failure to file a land use application.

Commissioner Beyer asked if an appraisal would be required as the basis for a claim. Mr. Leahy said the City would require an appraisal and it was not certain whether the claimant could be required to pay the cost of the appraisal and there were arguments on both sides of the issue.

Mr. Grile remarked that one of the questions related to implementing Measure 37 was the likely location of claims in the City of Springfield. He said that one source could be claims related to the UGB, which could be complicated by the Metro Plan and State Planning Goal 14.

Commissioner Decker asked if multiple claims could be filed on the same piece of property. Mr. Leahy said an owner would likely be required to "bundle" claims and submit them at the same time. He said there was a two-year statute of limitations from the date of enactment or the date a regulation was applied.

Mr. Grile related that staff would review the work program, identify those items that could potentially general Measure 37 claims, and report back to the commission.

Mr. Leahy said a work session on Measure 37 implementation would be scheduled after the first of the year.

7. BUSINESS FROM THE COMMISSION

Commissioner Decker asked whether surface runoff and storm drainage, particularly lagoons and retention ponds, presented any concerns with respect to the West Nile virus.

Ken Vogeney, Department of Public Works, responded that the department had examined that issue and would provide a written response relating to both public and private sources of standing water.

8. ADJOURN REGULAR

Commissioner Moe adjourned the meeting at 7:50 p.m.

(Recorded by Lynn Taylor)

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