

MINUTES

Springfield Planning Commission
Work Session
Springfield City Hall—Jesse Maine Room
225 Fifth Street, Springfield

December 9, 2004
5:30 p.m.

PRESENT: Steve Moe, Chair; Bill Carpenter, Vice Chair; Lee Beyer, Dave Cole, Frank Cross, Gayle Decker, Greg Shaver, members; Bill Grile, Colin Stephens, Mel Oberst, Gary McKenny, Al Vogeny, Springfield staff; Meg Kiernan, City Attorney; Tom Boyatt, Oregon Department of Transportation.

Commissioner Moe called the work session of the Springfield Planning Commission to order.

1. CONTINUANCE FROM NOVEMBER 16, 2004, PEACEHEALTH REMAND PUBLIC HEARING

Mr. Stephens briefly noted the four applications in question, which included the PeaceHealth remand amendments to the Eugene-Springfield Metropolitan Area General Plan and the Gateway Refinement Plan as well as amendments to the Springfield Development Code Article 22 and the Springfield Commercial Lands Study. Each application was initiated in response to the remand order of the Land Use Board of Appeals (LUBA) or the PeaceHealth plan amendments for the location of the hospital at the RiverBend site.

Mr. Stephens called the commission's attention to the staff response to commission questions, included in the meeting packet. He also called attention to the revised conditions of approval if the commission chose to recommend approval of the applications.

Mr. Stephens noted the suggested revisions to Condition of Approval 3 offered by PeaceHealth. The applicant requested additional text be added to indicate that, should the Transportation Planning Rule (TPR) be amended to modify the concurrency standard announced in *Jacqua versus City of Springfield*, the applicant would be held to the modified standard. He said staff supported the request. He called attention to page 6 of the packet, which included staff-recommended text to add process to the request, and allowing the City Council to interpret the condition based on any revised statute.

Mr. Stephens invited questions.

Commissioner Carpenter asked what the implications of requiring such a change as that reflected in Condition 3 to occur through a plan amendment. Mr. Stephens said the applicant would have to address all the criteria of approval such a plan amendment was subject to and go through a public review process with a decision subject to appeal.

Responding to a question from Commissioner Decker about the nature of the remand in general and the nature of the City's response, Ms. Kieran said the City's response to the remand depended on the direction from LUBA and the Court of Appeals. In this case, there were two categories of error; one regarded the findings as they related to the

statewide planning goals and the City's Commercial Lands Study, and the other related to the City's application of the Medical Services (MS) zone overlay to a Medium-Density Residential (MDR) plan designation. Speaking to the latter category, she noted the City had a provision in its code allowing just that since 1989. Subsequently, the City had to change the ordinance itself. Ms. Kieran said some of the remedies offered by LUBA and the Court of Appeals were very specific. The difference between the initial process and the remand process was that any issue brought before and ruled upon by LUBA or the Court of Appeals may not be raised at this time.

Speaking to Ms. Kieran's latter point, Commissioner Carpenter suggested that whether an issue might be raised depended on the action taken by the City; if the new action extended beyond what the previous remand action was, or if the City did something different than what the court directed it to do, he thought the opponents could make the argument that represented a new action. Ms. Kieran observed that typically was what someone in opposition would say, as opposed to being precluded from raising the argument.

Commissioner Carpenter determined from Mr. Stephens that PeaceHealth had initiated the original plan amendments. The City Council had initiated the amendments to the Commercial Lands Study and Springfield Development Code. Ms. Kieran clarified that on remand, there was no reinitiation of the applications. The applications were not new applications. Commissioner Carpenter argued that it was a different application as it called for a plan designation change for 66 acres rather than 33 acres. Ms. Kieran clarified that there was different text, but it was not a different application.

Responding to a question from Commissioner Carpenter about when traffic generated by applications in the "pipeline" was accounted for, Mr. McKenny said when a development was approved the City required subsequent applications to account for that traffic. The City used site plan review approval as the threshold for terming something a pipeline project.

Commissioner Carpenter asked why the PeaceHealth traffic impact analysis (TIA) did not account for the traffic to be generated by Royal Caribbean. Mr. McKenny said the company had not received site plan approval, which was the City's threshold. The City wanted to ensure that such developments happened before the traffic was counted. Commissioner Carpenter believed the City was working on an emergency basis with Royal Caribbean, and the development seemed eminent to him. He thought it was short-sighted not to include the traffic generated by Royal Caribbean in the PeaceHealth TIA.

Commissioner Beyer arrived.

Mr. McKenny said the City needed a rational way to address such applications. He pointed out the initial PeaceHealth application was submitted more than two years ago, and if the City required PeaceHealth to account for every development that subsequently occurred, it would not be fair, legal, or rational. At the time that PeaceHealth did its most recent TIA, the City had not received the Royal Caribbean application. Mr. McKenny thought there must be some logical cut-off point. The City used the threshold of an approved application as a reasonable certainty something would be built. He added that there was no requirement that someone with an approved site plan actually build what was called for in their site plan. They had a two-year window in which to build.

Commissioner Cross asked if the TIA took into account the impact of future construction. Mr. McKenny said that was considered through the regional transportation model, which modeled development on vacant land. The regional transportation model did not know what would go on every vacant acre, but makes projections based on zoning. The TIA encompassed the regional model, so just because the City did not require PeaceHealth to take the use into account, that did not mean there was no accounting for the trips to be generated by the Royal Caribbean site. He would not be able to say at this time whether the model would assume that the traffic generated by the site on which

Royal Caribbean was to locate may be more or less than that actually generated by the use. Mr. McKenny said that zoning generally allows a range of uses, and the use selected by a developer may have less or more impact than the model assumed.

Responding to a question from Commissioner Carpenter, Mr. McKenny confirmed that Royal Caribbean would need to submit a TIA to Springfield due to the traffic the use was likely to generate. However, Royal Caribbean did not have to evaluate the impact of the hospital because the PeaceHealth proposal was not an approved development.

Commissioner Carpenter said the commission received testimony indicating the hospital was likely to have a greater number of beds after opening, and asked if that was accounted for in the TIA. Mr. McKenny said the TIA did not evaluate the traffic generation from the hospital based on the number of beds. The City employed square footage. Mr. Carpenter suggested that was “another slip in the roughness of the model.” Mr. McKenny replied it had nothing to do with the model; it regarded a method for estimating how many trips would come from the construction of the hospital. There were many ways of doing that. In this case, the City determined through conversation with representatives of Oregon Department of Transportation (ODOT) and the PeaceHealth consultants that the square footage methodology would be the most accurate.

2. ADJOURN

Commissioner Moe adjourned the meeting at 5:59 p.m.

(Recorded by Kimberly Young)