

MINUTES

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

October 5 2004
6:00 p.m.

PRESENT: Steve Moe, Chair; Bill Carpenter, Vice Chair; Lee Beyer, David Cole, Frank Cross, Gayle Decker, members; Bill Grile, Gary McKenney, Greg Mott, Mel Oberst, Colin Stephens, John Tamulonis, Springfield staff; Meg Kiernan, City Attorney; Philip Farrington, Jim Werfelmann, Peach Health; David Roth, Jessica Nunley, University of Oregon students; Jan Wilson, Choices; Rob Zako, 1000 Friends of Oregon; Al Johnson, guest.

Commissioner Moe called the meeting to order.

1. REVIEW OF PEACEHEALTH PLAN AMENDMENT REMAND RESPONSE

Mr. Stephens provided the staff report. He reviewed the actions from the November 5, 2002, work session at which the PeaceHealth Plan Amendment was introduced to the Planning Commission. He explained that the August 19, 2004 remand of the Land Use Board of Appeals (LUBA) of the PeaceHealth Metro Plan and Gateway Refinement Plan (GRP) amendments to the city for additional findings in respect to Statewide Planning Goal 9 (Economic Development), Goal 12 (Transportation). He also explained the Court of Appeals ruling that addressed lack of consistency with Metro Plan policies regarding auxiliary uses in the residential designations. He noted that the LUBA remand returned the jurisdiction of the applications to the City of Springfield.

Mr. Stephens explained that two applications, amendments to the Commercial Lands Study and the Springfield Development Code, would be acted upon by the Springfield City Council.

He said the City Council and the Planning Commission would accept testimony on four applications at a Joint Regular Session on November 1, 2004. Those applications included the Metro Plan Diagram Amendment on remand; the Gateway Refinement Plan Diagram and text amendment on remand; a new amendment to the Springfield Development Code Article 22, the Medical Services zoning district; and an amendment to the Springfield Commercial Lands Study to update one of the implementation strategies to accommodate the proposed development.

Ms. Kieran explained the term remand. She said remand was a jurisdictional term that meant that ordinances found to be deficient were now within the jurisdiction of the City. She said the options available to the City included fixing the deficiency; doing nothing; or starting over. She said the advantage of doing the fix was that those issues on which the City prevailed before LUBA and the Court of Appeals were now resolved, and could not be raised again in an appeal of the ordinances, citing Goal 10, displacing medium-density residential zone by a hospital, as an example.

Ms. Kieran said the current action included responding to those issues in which LUBA and/or the Court of Appeals stated that changes in Goal 9 and Goal 12 were necessary.

In response to a question from Commissioner Decker, Ms. Kieran replied that it would not be necessary to return to joint meetings with the Lane County Board of Commissioners (LCBC).

In response to a question from Commissioner Beyer, Mr. Stephens said that inconsistency of the planning documents applied to Goal 9. He added that the approach used in Goal 12 was not sufficient to meet the goal, and the plan diagram was inconsistent with the interpretation of auxiliary uses.

Mr. Stephens said the November 1, 2004 meeting would be a joint hearing with the City Council to open the public record and accept public testimony. He said the oral record would be closed at the end of the hearing, but that the written record would remain open for a period of time to be determined by the City Council. He added that the Planning Commission would meet on November 23, 2004 to deliberate and form a recommendation to forward to the City Council for consideration.

In response to a question from Commissioner Carpenter, Ms. Kiernan replied that if the Planning Commission made a recommendation that differed from the public testimony, the City Council could have its own public hearing to hear additional public comments. She added that the Planning Commission was limited in what action it could take on remand, with specific direction from the appellate bodies. If the Planning Commission differed too much, a new application may need to be submitted.

Mr. Stephens stated there were changes in three areas:

- **The Plan Diagram:** Referring to the Plan Diagram on the wall, Mr. Stephens stated that the Oregon Court of Appeals ruled that allowing the Medical Services (MS) zoning district to be applied to the Medium Density Residential (MDR) plan designation to permit a major medical facility as a permitted use was not consistent with the Metro Plan. The court stated in its ruling that a commercial plan designation was necessary. Accordingly, staff recommended that the Metro Plan and the GRP diagrams be amended to change approximately 40 acres of MDR plan designation to Community Commercial (CC) designation. Those 40 acres would be the area where the hospital and southern parking lot were located as tentatively approved by the City Council in the RiverBend Master Plan. The concurrent amendments to the GRP text specify that the hospital would be located on land with a CC plan designation and MS zoning.

Mr. Stephens added that 59 acres of MDR designation, the balance of 99 acres tentatively approved for rezoning by the Planning Commission and the City Council in April 2004 in the RiverBend Master Plan and zone change applications was proposed to be re-designated to the Metro Plan designation of Mixed Use (MU).

Commissioner Carpenter asked if the plan had ever included residential zoning. Mr. Stephens replied that approximately 40 units had been identified for the northern portion of the plan. In response to a question from Commissioner Carpenter, Mr. Stephens replied that he did not know what percentage of the MU area was designated residential, and that the intent of the plan designations was to allow for the zoning to look like the zoning that was tentatively recommended to the City Council by the Planning Commission, and tentatively approved by the City Council in April 2004. He added that the plan designation under the zoning would change, but implementation would look similar to the Master Plan. Commissioner Carpenter expressed concern about the Court of Appeals, noting that he understood that the Court addressed 99 acres rather than 40 acres. Mr. Stephens responded that the Court of Appeals was more concerned about what was happening on the east side of RiverBend at the hospital location. In response to a question from Commissioner Carpenter, Ms. Kiernan replied that the Court talked about the hospital location. Mr. Stephens offered to respond in writing in the November 1 staff report to any questions raised at the work session that needed additional research.

Mr. Stephens reported that the concurrent GRP text and SDC text amendments will allow both the MS zoning district and the Mixed Use Commercial (MUC) zoning district to implement the MU plan designation. The proposed SDC Article 22 amendments ensured that the proposed uses were consistent with the SDC. The revised diagram and text amendments would allow the property to be rezoned consistent with the tentatively approved rezoning application. The GRP diagram legend must also be amended to show the MU designation.

Goal 9: Mr. Stephens said LUBA determined that the findings adopted by the City did not include sufficient findings to demonstrate how redesignating 33 acres from MDR to CC was consistent with the Springfield Commercial Lands Study Implementation Strategy, in particular, Implementation Strategy 1-B-(2), that stated that it was appropriate to designate and rezone 10 to 15 acres of commercial land in the Gateway MDR site for neighborhood commercial development. Mr. Stephens added that it had not been made sufficiently clear to LUBA that the implementation

strategies in the document were optional. Additionally, he said that Implementation Strategy 1-B-(2) would be revised to include hospital related uses as appropriate.

Commissioner Beyer iterated that the Goal 9 question was how would the strategies create economic opportunities for the region. Ms. Kiernan added that the strategies also addressed the issue of the need for commercial lands in the area, noting that 15 acres would be replaced with the new language.

Goal 12: Mr. Stephens noted the Goal 12 was the most complex portion of the decision. He noted that the LUBA decision determined that plan amendments must demonstrate consistency with the Transportation Planning Rule (TPR) by showing amendments would not cause a temporary reduction in the performance of impacted transportation facilities below the minimum acceptable mobility standard identified in the Transportation System Plan (TSP). He added that LUBA stated it was not sufficient for plan amendments to demonstrate transportation facilities would function at or above the minimum performance standards at the end of the planning horizon. Instead, there must be assurance that the impacted transportation facilities would function at or above the accepted mobility standards throughout the planning period. He noted the initial PeaceHealth plan amendment Transportation Impact Analysis (TIA) demonstrated that impacted transportation facilities would function at an expectable level of service at the end of the 15-year planning period.

Commissioner Decker remarked that goal seemed unattainable.

Commissioner Cross asked if the infrastructure needed to be in place prior to completion of construction. Mr. Stephens responded that the interpretation of the ruling was that the roadway did not need to be built in order for the doors to open, but reasonable assurance that the roadway would be built at a time that would allow it to be used by the development.

Ms. Kieran said that the Commissioners' questions were related to concurrency policies that were in place in the State of Washington and Clackamas County. She added that Oregon did not have a concurrency policy under the existing TPR. She said that under the LUBA and the Court of Appeals decisions, the City of Springfield must demonstrate there would be no temporary or interim interruption failure of the transportation facilities as a result of the proposed change in the land use designation. She said the requirement would be met by addressing the issue in the Capital Improvement Program (CIP) or State Transportation Improvement Program (STIP).

Commissioner Carpenter asked for clarification on the concept of no interruption anytime, whether it included during the construction period or if construction traffic was somehow exempt. Ms. Kieran replied LUBA and Court of Appeals addressed land use issues and not traffic issues.

In response to a question from Commissioner Carpenter, Ms. Kieran replied that LUBA and the Court of Appeals had made it clear that they were not imposing a concurrency requirement.

Commissioner Beyer asked Ms. Kieran if the concepts that would be forwarded would meet the LUBA and the Court of Appeals test. Ms. Kiernan responded in the affirmative. Commissioner Beyer added that he believed that the DLCDC was considering modifications to Goal 12, and that the League of Oregon Cities was also pursuing legislation related to Goal 12.

Commissioner Decker asked for clarification of the last paragraph of Attachment 3-1. Mr. Stephens said the paragraph should read:

Purpose and Intent: This policy requires the MS zoning district to implement either the CC or MU plan designation and the MUC zoning district to implement the MU plan designation within the Gateway MDR site. Application of MUC or MS zoning will occur concurrently with the master plan.

Commissioner Cole stated that he had a conflict of interest with the review of PeaceHealth Plan Amendment Remand process, and he would not be able to participate in the decision making process. Mr. Stephens asked him to declare his conflict of interest for inclusion in the public record at the beginning of the November public hearing.

6:45 p.m. Mr. Stephens, Mr. Farrington, Mr. Werfelmann, Mr. Johnson, Ms. Wilson, and Mr. Zako left.

The Planning Commission took a five minute break.

6:50 p.m. Mr. Tamulonis arrived.

2. BACKGROUND INFORMATION ON URBAN RENEWAL DISTRICT PLANS

Mr. Tamulonis provided the staff report on background information on Urban Renewal District plans. He distributed the following documents:

- *Glenwood Urban Renewal Plan – Part One – Text – Draft – October 4, 2004*
- *Frequently Asked Question's on the Glenwood Urban Renewal Plan* in conjunction with Measure 20-92, "Shall City be authorized to approve Urban Renewal Plan allocating taxes from Glenwood properties to the Glenwood Urban Renewal Plan?" on the November 2, 2004 general election ballot.
- *Steps for Adopting a Glenwood Urban Renewal Plan for All of Glenwood in Conjunction with Lane County.*
- *Table 2a: Proposed Glenwood Urban Renewal Projects, October 4, 2004: Estimated costs, start & completion*

Mr. Tamulonis reviewed the timeline for adopting a Glenwood Urban Renewal Plan since the City Council had initially considered the plan in July 2004, and had directed staff to draft an urban renewal plan for Glenwood with sufficient information to proceed with considering a ballot measure the November 2004 election. He explained Tax Increment Financing (TIF) to the Planning Commission and noted that TIF had changed in the 1990's as a result of Ballot Measure 5. He said the vote for Measure 20-92 at the general election on November 2, 2004 would determine if the City of Springfield property taxes would be split into two streams, one for City of Springfield general property taxes, and one for the Urban Renewal Agency (URA)

Referring to the handout *Table 2a: Proposed Glenwood Urban Renewal Projects*, Mr. Tamulonis said \$23 million in potential URA projects had been identified. He said that the ability of Glenwood properties to hook up to the trunk system currently under construction on Franklin Boulevard was dependent on annexation and the action of the Lane County Board of Commissioners (LCBC).

Mr. Tamulonis said the City of Springfield City Council would serve as the URA Board if an urban renewal district was established. He added that an affirmative vote in November would allow the City Council to establish an URA district. Additionally, he said that because Glenwood was outside of the City limits, approval of the LCBC was necessary. Mr. Tamulonis stated that it was not the intent of the City to exercise the powers of eminent domain to clear out parcels of land, but rather to work with the Glenwood residents to provide an opportunity for community input in the process. He added that Lane County and the University of Oregon both had expressed interest in locating projects in the new URA. He cautioned, however, that those publicly owned projects would not pay property taxes.

Mr. Tamulonis said the LCBC was scheduled to review the proposed URA plan on November 10, 2004, and the Springfield City Council was scheduled to review it on November 15, 2004.

they did not want increased taxes. He said that staff analysis indicated that the proposed URA district would increase taxes on a \$150,000 house by ten cents annually.

Commissioner Cole asked what new services would be required in the URA district. Mr. Tamulonis replied that taxes on properties in Springfield would be \$4.74/\$1,000 valuation, while properties in the URA district would initially be taxed at the rate of \$4.74/\$1,000, and would also pay the increment beyond that.

The Planning Commission discussed a number of challenges including dumping in the river, camping along with river, the Borden Chemical plant, filling station tanks and land fill issues. Mr. Tamulonis said staff was hoping to have incentives to encourage investment in these areas. He emphasized the URA process would be a 20-year process.

Mr. Tamulonis explained the public notification process if Measure 20-92 passes, leading up to the November 15, 2004 City Council meeting. He said a public hearing before the Planning Commission was scheduled on October 19, 2004.

In response to Commissioner Cole, Mr. Oberst said he would provide copies of the Metro Plan and the Glenwood Refinement Plan.

Mr. Oberst noted that a joint meeting with the Planning Commission and the City Council was scheduled for Monday, October 10, 2004 at 5:30 p.m. in the Library Meeting Room.

3. ADJOURN

Commissioner Moe adjourned the meeting at 7:48 p.m.

(Recorded by Linda Henry)

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