

MINUTES

Springfield Planning Commission
Regular Meeting
Springfield City Hall—Council Chamber
225 Fifth Street, Springfield

April 4, 2006
7 p.m.

PRESENT: Dave Cole, Chair; Frank Cross, Vice Chair; Lee Beyer, Gayle Decker, Greg Shaver, members; Greg Mott, Andy Limbird, Springfield staff; Joe Leahy, City Attorney.

ABSENT: Steve Moe, Bill Carpenter.

Commissioner Cole called the meeting of the Springfield Planning Commission to order.

1. PLEDGE OF ALLEGIANCE

2. REPORT OF COUNCIL ACTION

No report.

3. BUSINESS FROM THE AUDIENCE

Commissioner Cole determined there was no one wishing to offer comment.

4. QUASI-JUDICIAL PUBLIC HEARING

a. (PH) ZON2006-00004 (Zone Change)—John and Jennifer Ferguson

Commissioner Cole opened the public hearing.

Mr. Mott noted the criteria for the application was from Article 12 of the Springfield Development Code:

- Consistency with applicable Metro Plan policies and the Metro Plan diagram;
- Consistency with applicable refinements Plans, Plan District maps, conceptual Development Plans and functional plans; and
- The property is presently provided with adequate public facilities, services and transportation networks to support the use, or these facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

He said the testimony offered at the hearing should be focused on the criteria because the commission must apply its findings to the applicable criteria when it made its decision. The testimony should be specific enough to allow participants in the hearing to respond to those issues or ask questions clarifying them. He cautioned that if those offering testimony failed to raise an issue at this time, it precluded further appeal of the issue to the Land Use Board of Appeals.

Commissioner Cole called for conflicts of interest or *ex parte* contacts. None were declared.

Commissioner Cole called for the staff report.

Mr. Limbird provided the staff report, stating that the applicants John and Jennifer Ferguson had requested the zone change. The property that was the subject of the Zone Change request was located on the south side of Main Street (Highway 126), directly opposite the intersection with North 65th Place. The Assessor's map description of the site was 17-02-34-43, Tax Lot 201. The subject property comprised

approximately 1.5 acres and contained an existing house and barn. Access to the site was provided by a developed curb cut and driveway onto Main Street. Current zoning for the property and adjacent properties was Medium Density Residential (MDR). A few properties in the vicinity of the subject site had been already rezoned to MDR to achieve Plan/Zone conformity by Zone Change Request (Journal Number 92-03-56). Other nearby properties had a delayed effective date and would be automatically rezoned to MDR when application was made for more intensive development or redevelopment of the property (Planning Commission Order dated May 20, 1992—Journal Number 92-03-56). At the time the Zone Change Request 92-03-56 was undertaken in 1992, the owner of the subject property did not respond to the City's proposal for rezoning in conjunction with other properties along the south side of Main Street. Therefore, the property owner was required to apply for a Zone Change for the subject parcel in accordance with provisions of the Springfield Development Code (SDC). The current Zone Change request was being processed as a Type III Zoning Map amendment.

The applicant was requesting rezoning of the property to MDR in order to allow for proposed placement of a second dwelling on the property. The current LDR zoning did not permit a second detached dwelling being constructed on a single tax lot.

Mr. Limbird recommended approval of the request with no conditions attached as it met the applicable criteria for a zone change approval.

Commissioner Beyer asked if there was minimum density requirement under MDR. Commissioner Beyer wished to ensure that the applicant understood that there was a density requirement for the site.

Mr. Limbird replied the desired density under MDR was 10 to 20 units per acre. He said the applicant had provided a conceptual plan showing four duplex dwelling parcels, consisting of eight units, on approximately one half of the site. It was uncertain how much of the site could be developed because the rear half of the site was encumbered by a designated wetland until the wetland had been delineated.

Mr. Limbird concurred with Commissioner Beyer's statement that the actual number of units would be determined when a minor lot petition was filed establishing the subdivision.

Commissioner Shaver stated that the color zoning map provided in the agenda packet as Attachment 3 was excellent, but Attachment 2, a grey scale map, was not.

Following a brief discussion, Mr. Limbird said staff would make every effort to clarify the mapping for the commission.

Commissioner Cole called for public testimony.

John Ferguson, 6535 Main Street, identified himself as the owner of the subject property. He offered no testimony.

Commissioner Cole solicited questions from the commission.

In response to a question from Commissioner Cole, Mr. Ferguson stated that he had a joint easement with his neighbor for a driveway that met Oregon Department of Transportation (ODOT) criteria.

In response to a question from Commissioner Decker, Mr. Ferguson replied that the driveway would be paved to the required sixteen foot width. He added that the joint driveway would extend 76 feet onto the property and then split to the neighbor's property. He stated that the line of shrubbery depicted on the documents submitted with the zoning request had been removed.

Commissioner Cole called for testimony for those in support or opposition. He noted there was no one wishing to offer testimony in support or opposition.

Commissioner Cole called for the staff summation.

Mr. Limbird stated that approval of the zoning request achieved a Plan/Zone conformity by rezoning the site from LDR to MDR. Approval allowed the applicant to proceed with development plans in accordance with the Springfield Development Code.

Commissioner Beyer asked Mr. Leahy under what conditions the Planning Commission could deny the request. He added that the City of Springfield had an obligation to bring the site into compliance with the Metro Plan.

Mr. Leahy replied that it would be difficult to deny the request.

Mr. Mott concurred with Commissioner Shaver's response that it could be denied if the City of Springfield did not have the ability to provide services to the site.

Mr. Mott iterated that, as stated in the staff report, the City of Springfield attempted to bring the property into compliance in 1992, but the owner at that time of the subject property did not respond to the City's proposal for rezoning.

Commissioner Cole closed the public hearing.

Mr. Beyer, seconded by Mr. Cross, moved to approve the zone change as requested based on the findings of fact in the staff report. The motion passed unanimously, 5:0.

5. BUSINESS FROM DEVELOPMENT SERVICES DIRECTOR

Mr. Mott stated that the elected officials adopted the current dimensions for the Metro Plan map that could not be enlarged. He said he would work to arrange to have individual copies permanently available for commissioners in the Council Chamber. Various suggestions were offered for improving the graphics for use during meetings.

Mr. Mott said there would be no Planning Commission meeting on April 11, 2006.

Mr. Mott reported that the reformatting survey for users of the code had gone out, and was due back by April 14, 2006. Staff hoped to have a sample of the new format within the next week. He said the Planning Commission would have an opportunity to review the new format.

6. BUSINESS FROM THE COMMISSION

In response to a question from Commission Decker, Mr. Ferguson said construction work on Main Street between 14th Street and 69th Street was due to the Springfield Utility Board (SUB) installing new water lines on the south side of Main Street.

Commissioner Shaver asserted that the zone change request before the commission this evening had raised an issue previously discussed by the commission regarding the differences between Type I, Type II and Type III decisions. He opined this evening's decision of resolving a plan zone conflict was one that could be handled at the staff level, with review by the Planning Commission.

Mr. Mott said it was unclear how much latitude the statute provided for an administrative decision to change the property zoning.

Commissioner Beyer requested that staff and legal counsel review the statutory language to determine if discretionary authority by staff could be permitted, particularly in cases where the Planning Commission would not have a basis for denial.

Mr. Mott that part of the policy discussion would be part of the code reformatting.

7. **ADJOURN**

The meeting adjourned at 7:23p.m.

(Recorded by Linda Henry)

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