

MINUTES

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

February 7, 2006
6:30 p.m.

PRESENT: Steve Moe, Chair; Bill Carpenter, Vice Chair; Lee Beyer, Dave Cole, Frank Cross, Gayle Decker, Greg Shaver, members; Bill Grile, Greg Mott, Dan Brown, Ken Vogeny, Steve Rudolf, Sarah Summers, Jim Donovan, Jeff Pascal, Brian Barnett, Chuck Gottfried, Pam Meyer, Springfield staff; Joe Leahy, City Attorney.

ABSENT: Gayle Decker.

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

1. PLEDGE OF ALLEGIANCE

2. REPORT OF COUNCIL ACTION

Commissioner Cole had no report.

Commissioner Cole adjusted the agenda, moving up Item 7, Business from the Commission, to allow the commission to complete its discussion from the earlier work session.

7. BUSINESS FROM THE COMMISSION

Commissioner Shaver referred to traffic control projects listed in the Capital Improvement Program (CIP) and reiterated his long-held views that the City needed to move toward installing protected permitted turns, particularly now when gasoline prices were so high. He asked if any of the funding for traffic control projects would go toward meeting that goal. Mr. Barnett confirmed that the City was dedicating some of the funding to protected permitted signals. A consultant had been selected to assist the City in that work. The work had not occurred in the current fiscal year because of staff resource constraints. He anticipated that because the consultant had been hired, the work would happen in the coming fiscal year.

Commissioner Beyer, seconded by Commissioner Shaver, moved that the commission recommend to the council that it adopt the 2007-2011 CIP and Community Reinvestment Plan as recommended by staff. The motion passed unanimously.

3. BUSINESS FROM THE AUDIENCE

There was no business from the audience.

4. LEGISLATIVE PUBLIC HEARINGS

a. (PH) Vacation--Right-of-Way—LRP2005-00037, Bernard Hiatt

Commissioner Moe opened the public hearing.

Ms. Summers overviewed the request for a vacation along the northerly right-of-way line of Q Street. She reported that no further improvements were planned for the street so the area would not be needed for that reason. There was a gas line in the area to be vacated and a ten-foot easement would be included in the public utility easement (PUE). She noted that no objections were received in response to notices of

the request.

Ms. Summers said that Springfield Municipal Code required a payment to the City of an amount equal to the assessment of the special benefit resulting to the abutting property owner. In this case, staff did not find an assessment would be appropriate due to the small amount involved.

Ms. Summers noted the applicable criteria found in Springfield Development Code Section and reported the proposal meant the criteria.

Commissioner Beyer determined from Ms. Summers that essentially, the right-of-way in question was being replaced by a PUE.

Commissioner Carpenter noted the potential of the State widening the 126 bypass and asked what the City would have to pay for the land in the future if the State decided to widen I-5 and Q Street must be moved into that area. He asked if there was a way to ensure that in the future, the City did not have to pay to take back the land that it had let go at no charge. Mr. Leahy indicated the City was giving title to the owner and retaining the PUE; however, if it was determined that the City did not want another public entity to acquire the land back at public expense, there may be a way to do that. He did not know why the property owner wanted the property because it was going to be burdened by the PUE. Ms. Summers clarified the property owner wanted to install a bioswale for storm water treatment and wished to use the area in question to avoid using space on his property elsewhere.

Commissioner Carpenter asked what the City had to pay in the past for right-of-way acquisition. Mr. Vogeney said the acquisition of right-of-way was done at fair market value, and based on actual appraisals.

Mr. Leahy suggested that staff be directed to do more research before the commission acted.

Commissioner Carpenter questioned the finding that stated that Q Street was built out to the degree it would be.

Commissioner Beyer asked if the City owned property east or west of the property in question. Mr. Barnett referred the commission to Attachment 3-1, which showed the after conditions; the two parcels to the west had 40 feet of right-of-way. It was inconsistent along that stretch of Q Street.

Speaking to earlier comments, Mr. Barnett said the Highway 126 Expressway plan includes plans for a Mohawk lane on the ramp itself. There was a wide median in this area and it was likely the place for an additional land would be that median. The Oregon Department of Transportation (ODOT) could add one lane in each direction by moving into the median, and that would not affect the shoulder. Commissioner Beyer recalled a ten-foot drainage ditch existed between Q Street and the freeway. Mr. Barnett concurred.

Commissioner Shaver said that Mr. Barnett seemed to be saying it was unlikely either the City or State would need that ten-foot area. Mr. Barnett said he would not speculate about what ODOT would do, but in his experience that was the likely approach because of the right-of-way and drainage issues. Also, appropriating City right-of-way for a State project would have both intergovernmental ramifications and utility ramifications.

Commissioner Moe called for public testimony. There being no one present to speak, he called for questions from the commission.

Commissioner Cross asked about the original dedication of the property in question, and asked if any funds changed hands behind the City and property owner in that event. Ms. Summers said no; the property was given to the City. Mr. Leahy indicated that dedications were usually not accompanied by money.

Commissioner Cole referred to the findings and suggested that the reference to “walkway” should be to “right-of-way.”

Commissioner Moe closed the public hearing.

Commissioner Carpenter believed the floodway would probably affect any future ODOT plans. He reiterated his previously expressed concerns.

Commissioner Shaver did not object to handing over the property to the adjacent property owner because of the improved maintenance would result. His only concern was that expressed by Commissioner Carpenter. He had no other reservation. He suggested that the staff contact ODOT and determine whether the agency had any plans to acquire the property. If it was needed, perhaps an additional agreement was needed.

Commissioner Beyer expressed appreciation for Commissioner Carpenter’s comments but believed that in the future, the acquisition of the property in question would be the least of the cost. He thought it unlikely that ODOT would seek to move Q Street given the existing development and the fact there was no place for the street to go. He did not support postponing the item. No money had been exchanged in the past and no money would be exchanged now.

Commissioner Beyer, seconded by Commissioner Cole, moved that the commission recommend approval of the vacation, File No. LRP2005-00037, to the City Council.

Commissioner Carpenter said he did not oppose the vacation but opposed the motion because of what he considered a complicated situation.

Mr. Leahy suggested the commission pass the motion and direct staff to inquire of ODOT before the council took action. Commissioner Beyer indicated acceptance of the suggestion as a friendly amendment to the motion.

Commissioner Cross said the City would have no idea of the costs of repurchasing the land in question in 20 years. He determined from Mr. Leahy that if the City needed to buy it back today, the amount would be very minimal, but if the property was developed with a bioswale the City would have to pay for those improvements.

Commissioner Cole suggested the commission was making a mountain out of a molehill.

Commissioner Carpenter said the 5th Street overpass might dictate the design because of the high cost of such a structure. ODOT had to consider that issue. He thought the City should get input from ODOT. He would prefer that the commission consider the issue before it went to the council but indicated he would support the motion.

The motion passed unanimously, 6:0.

b. (PH) Vacation—Plat—LRP2006-0001, Symantec

Commissioner Moe opened the public hearing.

Mr. Donovan reviewed the request, which was to vacate three partition plots. He recommended approval of the request.

Commissioner Beyer asked if the plots were not covered by a building. Mr. Donovan concurred, and briefly noted the development that was already in place. He said the issue was created by the Building Code. The result would be two parcels, allowing Building Code setbacks to be established from the property line. Commissioner Beyer asked why the parcels were not consolidated into a single lot. Mr.

Donovan clarified that they were not tax lots but rather partition lots, so State statute required vacation. Mr. Leahy indicated that there was a potential the two buildings could be separated, which was why there were still two lots. The building was structured and built with Fire Code protections and the skyway removed in the future if that occurred.

Commissioner Carpenter suggested that future staff reports include a simple layman's explanation of why the request was made.

Commissioner Moe called for public testimony. There being no requests to speak, he closed the public hearing and called for action from the commission.

Commissioner Carpenter, seconded by Commissioner Beyer, moved to recommend to the council that it approve the vacation of partition plats for the Symantec site, File No. LRP2006-0001. The motion passed unanimously.

5. QUASI-JUDICIAL PUBLIC HEARING

a. (PH) Re-Zone—ZON2006-00058, Breeden Brothers

Commissioner Moe re-cused himself from the item due to a conflict of interest and Commissioner Carpenter assumed the chair. Commissioner Moe left the dais.

Commissioner Carpenter called for conflicts of interest and *ex parte* contacts. It was acknowledged that all commissioners were acquainted with Commissioner Moe. Mr. Leahy perceived no conflict from commissioners' acquaintance with Commissioner Moe, although it might lead to bias because Commissioner Moe was a nice person. None of the commissioners had discussed the issue with Commissioner Moe.

Mr. Mott announced that matter before the commission was governed by Article 12 of the Springfield Development Code. He reviewed the relevant criteria:

- a. Consistency with applicable Metro Plan policies and the Metro Plan Diagram;
- b. Consistency with applicable refinement plans, plan district maps, conceptual development plans, and functional plans;
- c. The property is presently provided with public services adequate to support the development being proposed.

Mr. Mott asked that testimony be focused on the criteria to a degree that allowed the commission to understand it and allowed it to be evaluated on appeal by the Land Use Board of Appeals.

Commissioner Carpenter opened the public hearing and called for the staff report.

Mr. Donovan recommended approval based on compliance with the three criteria reviewed by Mr. Mott. Speaking to criteria c, Mr. Donovan said the site was designated for low-density residential zoning. The zoning request had no effect on the utilities in place or the ability to install additional utilities through the property in the future. Mr. Donovan said there was existing access to a Rainbow Water Company water tower on the property and the power lines that crossed the property.

Mr. Donovan said the site would be developed in accordance with all applicable plans, special area plans, and functional plans. He indicated he did not find the criteria applicable at the current time.

Speaking to criteria c, Mr. Donovan said that certain public facilities were extended to the property and he anticipated no impact the City's ability to extend utilities to serve the site during development.

Mr. Donovan recommended approval of the zone change.

Commissioner Beyer said that it appeared the commission was considering changing the zoning on a road. Mr. Donovan said the current and historic use was an access road to the water tank. The parcel was privately owned, the zoning was Public Land and Open Space (PLO), and the designation was Low-Density Residential (LDR). It was used as a public access road in the sense that Rainbow used it.

Commissioner Beyer asked if there was an access issue related to the zone change. Mr. Donovan said the parcel's use as a road was the result of an agreement between two parties. It was termed a roadway grant on the original deed and title. It was never dedicated to a public agency or accepted by a public agency. It was transferred as an access easement between two private owners. The Metro Plan envisioned the road would be the eventual public access point.

Mr. Donovan noted he had a letter of support from Rainbow Water Company and would enter it into the record. He distributed copies of the letter to the commission and entered it into the record as a letter of support.

Mr. Donovan shared a large map of the area with the commission and showed the location of the proposed vacation.

Commissioner Carpenter called for public testimony.

Jeff Forrest, 3373 Ambleside Drive, said he was concerned about the impact of the easement on the adjacent properties in terms of traffic, storm water runoff, and access. He was looking for a better understanding of the process. If the road was removed and something else put in its place, he wanted to know what it was. Commissioner Beyer explained the subdivision process to Mr. Forrest, saying that when a subdivision application was filed, adjacent property owners were notified and could provide input. He said the developer would have to design a storm water system that did not drain on other properties.

Commissioner Shaver clarified that the matter before the commission was a change in the base zoning, which allowed the property to be used for something other than a road. Adjacent property owners would be notified of future development proposals. He believed the developer would be happy to discuss the issue with him, and encouraged him to do so.

Commissioner Carpenter said that through the zone change, the City was providing the developer with the opportunity to proceed to the subdivision development stage.

Craig O'Telly, 3349 Ambleside Drive, supported the subdivision being proposed. However, he was concerned about the activity on the road. He asked if approval of the proposal would give the road to the property owner. Commissioner Shaver said the property owner owned the road already. The property owner's plans were unclear at this time. Mr. O'Telly wanted to know what would take the place of the road. Commissioner Beyer indicated that was the next stage of the process. Commissioner Cole suggested that if the developer wanted to retain the road in its current location, he would be unlikely to request the zone change.

Mr. Leahy outlined the development process to come. Mr. O'Telly wanted certainty about what was to occur on that property. Commissioner Beyer noted that most of the properties along Ambleside Drive were developed because the school district decided against using the area for a school district and requested that the City remove the government designation. He pointed out that with the exception of the area in question the remaining area was zoned for low-density residential development.

Mr. Donovan noted that the applicant had submitted his subdivision plans. The public comment period for that process ended on February 13. The applicant would appear at the next homeowners' association meeting and answer questions.

Mr. Donovan reported that the subdivision plans moved public access further south about 100 feet of the Ambleside properties. The City had utilities proposed in the corridor; the corridor would remain an easement and probably be dedicated to the Eugene Water & Electric Board (EWEB) because Rainbow Water Company wanted a backup line for the water connection to EWEB. The City of Springfield might use the corridor in a maintenance

or emergency basis once or twice yearly.

Steve Moe, PO Box 874, Springfield, the property owner, said that the 40-foot right-of-way had existed on the property as long as he could recall. The school district had acquired the property to the north with the idea of building a school there, but that never occurred and the property was sold for residential development. When Ambleside developed, the developer decided against using the right-of-way for a street. The Breeden Brothers proposed to build a road parallel to the existing road and the current road would become backyards facing the existing backyards. He noted on the site map where storm water drainage would occur.

Mr. Donovan clarified that the subdivision decision was a Type II decision made by staff; public notice was mailed, and concerned citizens must address the criteria in writing and submit their testimony prior to 5 p.m. on February 13. The decision would be mailed to all who participated in the process. No public hearing would occur unless the staff decision was appealed to the commission.

Commissioner Carpenter closed the public hearing.

Commissioner Shaver, seconded by Commissioner Cole, moved to approve ZON2005-0028. The motion passed unanimously, 5:0.

Commissioner Moe returned to the dais.

6. BUSINESS FROM THE COMMISSION

Commissioner Moe called for the election of officers.

Commissioner Shaver, seconded by Commissioner Beyer, nominated Commissioner Cole for the office of chair and Commissioner Cross for the office of vice chair. The motion passed unanimously.

Commissioner Shaver reported that he had received notice that his neighbor had filed another year's extension for the trailer in their backyard intended to house a relative in an emergency medical situation. He said the use was going into its fourth year. He did not think the situation constituted an emergency after four years. He believed the system was broken and needed to be fixed. At this point, the occupant of the trailer was probably too infirm to be moved, but at some past time there had been an opportunity for different care. Mr. Leahy noted that an ordinance intended to remedy the situation had been drafted but its consideration by the commission had been delayed. Commissioner Shaver hoped some progress was made.

Commissioner Beyer asked how the City knew when the occupant died and the trailer was no longer needed. Commissioner Shaver said he did not think the City had a good mechanism to determine that. Commissioner Beyer agreed that the commission needed to look at the issue. Mr. Leahy agreed to send the draft ordinance to the commission.

7. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Mr. Grile reported that the City Council, in the February 6 Consent Calendar, had approved the classification for the Justice Center as recommended by the commission. Once the council had made a decision on the site, an application would come before the commission.

8. ADJOURN

The meeting adjourned at 8:50 p.m.