

MINUTES

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

April 17, 2006
7 p.m.

PRESENT: Frank Cross, Chair; Steve Moe, Gail Decker, Lee Beyer, David Cole, Bill Carpenter, Johnny Kirschenmann, members; Greg Mott, Mark Metzger, Gary Karp, Gary McKenney, Brenda Jones, Springfield staff; Joe Leahy, City Attorney.

Commissioner Cross called the meeting to order.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Commissioner Beyer, seconded by Commissioner Moe, moved to approve the minutes of March 27, 2007. The motion passed unanimously.

Commissioner Cross reordered the agenda and moved item 3, Report of Council Action, to the end of the meeting.

4. BUSINESS FROM THE AUDIENCE

Commissioner Cross determined there were no items from the audience.

5. QUASI-JUDICIAL HEARINGS

Commissioner Cross opened the public hearing, a continuation from a hearing on March 27, 2007.

Mr. Mott reminded the commission that it held the record open for a period of time following the March 27 hearing and no new testimony would be accepted tonight. However, the commission could ask questions regarding the testimony submitted. He said the commission's role in regard to the plan amendment was advisory, and the criteria governing its decision could be found in Section 7.070 of the Springfield Development Code (SDC). The criteria for zone changes were found in SDC Section 12.030.

Commissioner Carpenter indicated that he had been unable to attend the March 27 hearing but had reviewed the draft minutes and the materials provided to the commission at that time and believed he was qualified to participate in the commission's vote. He had no *ex parte* contacts or conflicts of interest in regard to the matter.

Mr. Karp entered the staff report, dated April 17, 2007, into the record. In addition to the correspondence in the staff report, the commission had received correspondence that arrived after the deadline, which would be added to the record for the May 7 public hearing before the City Council.

Mr. Karp said that on April 16 the City Council opened a public hearing on the matter; no testimony was presented at that time, and the council continued the hearing until May 7.

Mr. Karp recommended approval of the proposed Eugene-Springfield Metropolitan General Area Plan Diagram and Springfield Zoning Map amendments as conditioned, based on the findings attached to the staff report and additional staff information. He requested the commission to advise the City Council by motion and signature to the attached order by the commission chair to recommend approval of the amendments as conditioned at the public hearing on May 7, 2007.

Mr. Karp invited questions.

Commissioner Carpenter questioned the number of students projected to come from the site at build out. Mr. Leahy clarified that the six students mentioned was the difference of students expected between build out as the site currently zoned and build out under the proposal. Commissioner Carpenter asked if the medium-density residential (MDR) acreage had changed. Mr. Karp said the acreage was changing and the build out was proposed at 12 units per acre rather than 20 units per acre. Commissioner Carpenter said “here we’re telling them not to do dense housing?” Mr. Karp said the area was a potential node and that triggered a minimum of 12 dwelling units per acre in the MDR zone, which was what the developer intended to build. Higher densities would have more transportation impacts.

Commissioner Cross determined from Mr. Karp that the trip cap would be recorded with the property, so any time someone sought to change a part of the approved master plan they would have to submit another TIA and go through the process again. If the application was not approved and the applicant decided to sell the property to another party, because of its location that individual would also have to go through the master plan review process to develop the site, at least for the MDR portion of the site. Mr. Karp confirmed, in response to a follow-up question from Commissioner Cross, that the City would be able to maintain the 12 unit per acre cap.

Commissioner Carpenter said the materials suggested that one reason the commission would not recommend approval of the application was because the site was “development-ready industrial land.” He asked what it meant for the site to be “development-ready.” Mr. Karp said the site was currently zoned campus industrial and had an approved conceptual development plan. Commissioner Carpenter said the reason he asked was because he did not know of other industrial areas in Springfield that were not “development-ready” and wanted to know why the “catch phrase” was so important to this piece of property. Mr. Mott said the State placed a priority on what it referred to as “development-ready” industrial sites, which do not require annexation or additional processes other than local review of the development, and which had services in place. Sites with multiple ownerships, fragmented parcelization, underutilization in terms of how developed, or that had services available only to some parts of the site were not considered “development-ready.”

Commissioner Carpenter asked if the City maintained an inventory independent of the Buildable and Industrial Lands Study regarding such “development-ready” lands. Mr. Mott responded that economic development manager John Tamulonis had some information about such lands but the City’s inventory

was what was contained in its Geographic Information System (GIS) system. The inventory contained raw data that allowed the City to identify sites suitable for industrial development and it included a number of site attributes that further defined either the site's suitability or its shortcomings.

Commissioner Carpenter confirmed with Mr. Mott that the City was periodically instructed by the State to update its lands inventory to maintain a 20-year supply of buildable land consistent with projected population and employment figures. The State would accept a variety of different categories and status of buildable lands; for example, the City could include redevelopment in its buildable lands inventory. The land was not necessarily vacant. The law dictated how frequently that review occurred. Mr. Mott confirmed, in response to a follow-up question from Commissioner Carpenter, that the inventory was always a "snapshot in time."

Commissioner Cross asked if the City still had a 20-year supply if the site was removed from the inventory. Mr. Mott deferred the question to the applicant, who had prepared the materials before the commission. He noted that the applicant made reference to the 1993 Industrial Lands Policy Report, and recalled that the City's periodic review notice of 1995 did not require a review of industrial lands. Responding to a question from Commissioner Beyer, Mr. Mott acknowledged the current Commercial and Industrial, Buildable Lands Study undertaken at the behest of the three local jurisdictions CIBL, which primarily focused on the lack of accuracy in local data bases as opposed to answering the supply/demand question. There was no intent in that study to project if the area needed more land; what was funded only went so far as to state that if the community wanted the ability to monitor the status of the inventory annually, a more accurate data base was needed. The report was presented to the elected officials in June 2006. The Springfield council had wanted to proceed and learn if the area had sufficient industrial land and staff had projected the costs of the study, which might be funded in fiscal year 2008.

Commissioner Beyer recalled that Mr. Tamulonis had indicated to the council that there was very little industrial land left in the Gateway area, and that the largest site not in the flood plan was 12 acres. Mr. Karp said that the area contained about 100 acres. Commissioner Beyer observed that much of the site was in the floodplain and was not buildable. Mr. Mott indicated the City's standards for development in the floodplain differentiated between residential and nonresidential uses. While the City had received no development proposals for the acreage Commissioner Beyer mentioned to react to, based on the City Council's direction he believed such development could occur if it met federal requirements for development in a floodplain. Commissioner Beyer thought a part of the site might be adequate for parking but questioned how much was left. Mr. Tamulonis said he discussed potential opportunities for that site with several businesses who had envisioned parking in the floodway. That site was about six to eight acres, there was a twelve-acre parcel adjacent to it almost entirely in the floodway, and there was an approximately 60-acre site to the east of Deadmond Ferry Road that had about 50 acres in the floodway and 8 acres in the floodplain.

Commissioner Beyer said there may be 100 acres at Gateway but it was severely restricted and was in small parcels.

Mr. Tamulonis said when first joined the City he had thought the Pierce Property would develop rapidly because it was in a single ownership. Since then he had brought potential clients to the owner, who had been reluctant to accept some of the proposals, and later it became complicated because of the sewer line location and the location of the ditch, which were wrong for most large developments. Over time, businesses had become choosier as to where they located, and the site was near Kingsford Charcoal and

dust particles and the odor from the hog fuel pile was an issue for some potential clients. In addition, residential densities were high in the area and many industrial uses did not want to locate near residential areas.

Commissioner Carpenter asked about the Scottsdale, Arizona, development referenced in the staff notes. Mr. Karp said that a Springfield staff person had visited the store in Scottsdale and seen design elements that staff would like to see in Springfield as well. The conditions spoke to ensuring that those design elements were included in the development. Commissioner Carpenter asked if those elements were reflected in the packet provided by the application. Mr. Karp said that it was somewhat similar. The point was to avoid a typical big box design with exterior architectural features.

Commissioner Carpenter was confused by the amount of land to be in nodal development. Mr. Karp said the only area that would not be nodal was the area zoned Community Commercial for a total of 19.6 acres. The applicant indicated that a total of 80.7 acres were to have the nodal overlay designation, and a portion of the 80 acres was mixed-use commercial.

Commissioner Carpenter asked where the conditions were referenced in the proposed order. Mr. Karp said the original staff report included those conditions, and if the commission wanted to include the specific conditions in the order it could be revised to include the conditions before it was signed by the chair. Commissioner Carpenter maintained that in order to impose the conditions the City must have them in the order or reference them in the order.

Commissioner Decker requested better maps that showed the underlying rezoning.

Commissioner Cross asked about the current status of the City's industrial lands inventory and the accuracy of the numbers shared with the commission. Mr. Karp said the commission's decision can only address the acknowledged inventory, which was from 1993. The information in one-half of the table included on page 3-7 was drawn from that inventory. The other half of the table was based on 2004 information that was anecdotal. He noted that the 1993 study did not project demand; it only documented inventory, so no one could state with authority that the area lacked supply or had a surplus. He confirmed, in response to a question from Commissioner Beyer, that the 1993 information did not account for the removal of industrial land developed since that time.

Commissioner Cross closed the public hearing and called for commission discussion.

Commissioner Beyer thought the applicant had prepared a pretty good plan. He acknowledged the commission was not considering the site plan. He said that living close to the site he would like to have a Lowe's store. However, he thought the commission was down to one of choices, that of moving a campus industrial site into a commercial use, and while he liked that he had two concerns. One was the inventory of industrial lands. Commissioner Beyer said as a member of the commission in the early 1980s, he had pushed for the designation of the parcel and had worked through the years to site a use on it. He said the local area was constrained by its limit of flat land, and it was hard to site industrial facilities on anything other than flat land. The site in question was one of the last such properties in Springfield. He wanted to maintain the job opportunities resulting from campus industrial and was reluctant to see that go.

Commissioner Beyer said a second concern was based on the possibility that the development would work against redevelopment in the Mohawk area. Commissioner Beyer said the commission was looking at a reasonable development plan but for him the question was what the community would give up. He did not want to give up the opportunity for job creation from the campus industrial zoning and thought at this time the proposal was not a good trade.

Commissioner Decker agreed with Commissioner Beyer about the lost job opportunities from rezoning the property, and questioned whether the employees of Lowe's would be able to buy the houses that would be built in the node. However, she thought the lack of interest in developing the property as a campus industrial site suggested that it might not be the best location for that zoning. She said Kingsford was a good community member but she did not think it mixed well with a campus industrial site or business park. For her the question became the existing supply of MDR land and whether the City should enlarge the small amount of commercial zoning now at the site. Commissioner Decker believed the community needed more commercially zoned land and the proposal met that need. She supported the staff recommendation to change the zoning.

Commissioner Cole said he had long been opposed to the loss of industrial lands. Large industrial sites were hard to come by once lost. The site in question was one of the community's last large greenfield sites. Any similarly sized site was going to be a brownfield site. As much as he liked the development proposal, he had reservations about giving up the industrial zoning.

Commissioner Moe supported the proposal. He said the site had been on the market for a long time, and in that time those contemplating lands with such zoning had become much more picky. He thought the site presented less of an opportunity now than it had in the past. Commissioner Moe thought it would remain unsold if kept in its present zoning. He thought the proposal was good. Commissioner Moe reminded the commission that it was not talking about a specific user but rather the zoning on the site.

Commissioner Cole concurred with Commissioner Moe regarding the fact the commission was dealing with zoning. He said he would like to see the site development, but was reluctant to give up the industrial zoning.

Commissioner Decker questioned the point of having the site remain in industrial zoning if no one wanted it for that purpose.

Commissioner Kirschenmann thanked Mr. Karp for his work in responding to the questions of the public and the commission. He wanted to keep in mind what was best for the City while maintaining an adequate supply of industrial lands. He thought that somewhat up in the air given the uncertainty of the supply. Commissioner Kirschenmann supported the staff recommendation.

Commissioner Carpenter speculated that the owner of the property purchased it for the purpose of development but had been unable to do so. He said the site was not a wildlife habitat and was zoned for development. He thought it unfortunate but said that industry was not what it had been 25 years ago. He said that the users of campus industrial land, such as Sony, were dynamic and here today and gone tomorrow. The site in question was not heavy industrial land but zoned to hold a number of small start-up type businesses. He said the site was encumbered by a ditch and pipe line and he did not see that it could be developed as originally envisioned. Commissioner Carpenter did not object to the loss of the zoning and suggested that the brownfields that remained to be developed might be more appropriately

located near other industrial uses.

Commissioner Carpenter acknowledged the concern expressed by the neighbors in regard to the proximity of MDR zoning but thought the development could be a positive community asset. He did not think it would detract from the redevelopment of Mohawk, suggesting that it might bring more customers to the area due to the residential growth that would occur.

Commissioner Carpenter endorsed the current conditions and recommended an additional condition that placed a two-year time limit on master plan approval, with the zoning to revert to campus industrial if that did not occur, and a condition that tied the construction of the Community Commercial development to the residential element of the node. He asked if staff believed the existing conditions were sufficiently strong to ensure that occurred.

Commissioner Decker expressed that she could not support those conditions.

Joe Leahy asked that if Carpenter has the votes to add the additional condition, staff would take a look at the additional condition between now and the City Council meeting to see if this is an enforceable condition, so staff doesn't have to come back to the Planning Commission. Carpenter agreed and expressed that he may not have the votes need to add the conditions. Commissioner Beyer asked Joe Leahy if this would create a Ballot Measure 37 claim. Joe Leahy responded that it may.

Commissioner Cross has a great deal of reservation about giving up Campus Industrial Land. He also see's that this property has sat vacant for many years. He is in favor of this application, but with reservation.

Commissioner Cross asked for a motion.

Commissioner Carpenter moved that the Planning Commission approve the numbers with the added conditions to the order that is signed and add a condition 14 that reads "if a master plan is not approved within two years from the date of approved zoning amendments, that the zoning revert back with the condition that the City Attorney would look at the provision as a condition that can be enforced".

Joe Leahy responded that this would be a difficult condition, because the owners could get into a situation, where they could in good faith submit a master plan, and appeals would go beyond two years.

Carpenter amended his motion, "The applicant has to submit a master plan within a year of the date of the approved zoning change". Commissioner Moe seconded the motion. Commissioner Cross asked for discussion of the motion.

Commissioner Moe responded that he doesn't have any problems with the stipulation, because the owners will do the master plan anyway. Commissioner Decker responded that the owners have spent a lot of money on the property, and market forces are going to push them forward, why do we need to hit them over the head with a second condition. It's redundancy that is not necessary. Commissioner Moe will support the motion as is.

Commissioner Cross asked for the vote 5:2:0. Motion approved.

Commissioner Beyer believes that this is a good proposal; his only objection is to the site location

Commissioner Cross closes the quasi-judicial hearing.

6. LEGISLATIVE PUBLIC HEARING

Commissioner Cross opened the public hearing, a continuation from a hearing on March 13, 2007. Proposed Amendments to Article 26 of the Springfield Development Code.

TESTIMONY FROM THE PUBLIC

Bruce Jones, 88740 Erma Bee Road; Springfield, Oregon 97478

On behalf of Roy Carver, and the residential property commonly known as "Heritage Park". Mr. Carver is out of town and asked Mr. Jones to deliver a brief message. Mr. Carver supports current changes to Article 26 of the Springfield Development Code with one exception. This change occurs in the second to last paragraph of article 26.050 (1) currently reads, "As provided in article 16". Mr. Carver asked that the language be changed to read, "As provided for in article 16.010". Purpose of this change is to provide clarity to Article 26.050(1) as it references article 16 and the number of dwelling units permitted per developable acre. Thank You.

Commissioner Cross asked Mr. Jones to site the articles again. Mr. Jones did so.

Commissioner Carpenter replied that staff presented the commission with something that read, that section 16.010(1). Commissioner Carpenter asked Mr. Jones if this was a problem. Mr. Jones replied, "No". The Planning Commission thanked Mr. Jones for his testimony.

Planning Supervisor Mark Metzger reiterated that our purpose originally was to allow for transfer of density to all points of the compass, in hillside development areas between 15% and 25%. The City believes that they have accomplished this in the amendments. But in addition, that there were a number of adjustments that have been recommended to the Planning Commission as discussed in the work session earlier tonight. Those recommendations are in your packet in a Legislative Format. These are the amendments which retain the cities ability to apply the Hillside Development Ordinance anywhere the actual slope is above 15%. The City is allowing average slope, the formula for average slope is defined in the code, for use in computing how many dwelling units can go in a development area. These changes were submitted at the March 13, 2007 meeting. Mark responded that Mr. Jones pointed out additional changes that were mailed to the Planning Commission. The City concurs with the changes. Mr. Metzger asked the Planning Commission if they needed these changes read again, or if they would accept the e-mail.

Mr. Metzger closed with the recommendation of Article 26; staff believes that they have preserved the City's interest, by making reasonable compromises that is still in the cities interest. The minor adjustments that had been e-mailed to the Planning Commissioners, that makes some of the references more specific.

Commission Cross asked for questions from the Planning Commissioners. There were none.

Commissioner Cross closes the public hearing.

Commissioner Beyer responded that this is in true Springfield fashion, to make accommodations to staff and Mr. Carver for going the extra step to come up with a proposal that meets both the City and applicants objective.

Commissioner Cross asked for anymore discussion. Commissioner Cross asked for a motion.

Commissioner Beyer moves that the Planning Commission adopt the staff proposed recommendations as presented in Legislative form with the adjustments made. Commissioner Decker seconded the motion. 7:0:0 Motion approved

3. REPORT ON COUNCIL ACTION

Commissioner Cross reported that the City Council heard testimony regarding the Community Development Block Grant, and Home Investment Partnership program recommendations where discussed, and moved for funding. The Council moved to approve applications; Habitat for Humanity, Shelter Care, Safe Haven Relief Nursery, and NEDCO is working on two other homes. The last item that has not been approved yet, is the Wynant's, proposes to bring there health food store downtown. Council has asked that they provide more information for them to consider.

The Council also approved a one-year extension on the CDBG funds for the downtown set-aside. They recommended a denial of the liquor license for Club 1444.

Council also discussed and approved opening a discussion with Hyland Construction for the Justice Center.

The County has agreed to handle the construction for the Bob Straub Parkway. To begin construction July of 2007 and to end September of 2009. This project would include at least two inter-sections, resurfacing, widening the roadway, and adding a conduit. The cost to the City would be a little over 1 million dollars. The County is committing 5.1 million.

7. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Bill Grile, added that at the end of the Council Meeting, the Mayor commented that he and Councilor Ballew would be meeting April 17, 2007 with there Eugene and Lane County counterparts to discuss issues with the Metro Plan and concerns that are not new to anybody, about how Springfield is growing increasingly anxious about our ability to reach their land supply needs.

Commissioner Beyer asked who Lane Counties participants where. Mr. Grile responded Commissioner Green, Sorenson.

Mr. Grile also reported that House Bill 3337 is Representative Beyer's bill, which addresses Land Supply issues. A couple of weeks ago Mr. Grile and Mr. Mott went to Salem to testify on behalf of the City, before the House Agriculture and Natural Resources Committee. Mr. Grile's perspective was there was not much disagreement about the concern over whether Eugene should or shouldn't update there Residential land Supply Inventory. There seemed to be a bit of angst about the provision in

Section 3 of the proposed bill, that would have Springfield/Eugene meet there inventory land supply needs on their respective sides of I-5 based on language in the Metro Plan, for the Cities being responsible for there jurisdictional area's within the Metro Plan. The committee was expected to have a work session today. The work session was postponed today, because there are some additional refining amendments that are not at all inconsistent with what Springfield has been advocating for. That is the autonomies ability to make decisions on this side of I-5 that will meet the identified the needs that the Planning Commission has discussed and the City Council has been increasingly vocal about. Mr. Grile anticipates that the work session will take place later this week or Tuesday of next week. The Chair of the committee is representative, Arnie Roblen of Coos Bay. Mr. Grile spoke briefly with Mr. Roblen, who is confident that this bill will pass out of the committee.

8. BUSINESS FROM THE COMMISSION

Commissioner Beyer responded that the Residential Lands Study Group met with Eco Northwest. Eco Northwest is doing the demand side; City staff is working on the supply side. It looks as if this will make it to Planning Commission in the next couple of months. Early forecast looks like there is not enough land. Commissioner Beyer is impressed with the work they are all doing.

Commissioner Carpenter asked if there were some new employees with the City of Springfield from Lane County. Staff responded that the new Assistant City Manger Jeff Towry, and Steve Hopkins is a Planner II.

9. ADJOURN

Commissioner Cross adjourned the meeting at 8:40 p.m.

(Recorded by Brenda Jones. Minutes transcribed by Kim Young and Brenda Jones)