

MINUTES

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

June 5, 2007
7 p.m.

PRESENT: Frank Cross, Chair; Bill Carpenter Vice Chair, Gayle Decker, Lee Beyer, David Cole, Johnny Kirschenmann, members; Mark Metzger, Brenda Jones, Gary Karp, Gary McKenney, Kitti Gale, Andy Limbird, Dave Reesor, Jerry Smith Chief of Police, Carole Knapel and Mike Harmon, Springfield staff; Joe Leahy, City Attorney.

ABSENT: Steve Moe

Commissioner Cross called the meeting to order. .

1. PLEDGE OF ALLEGIANCE

2. BUSINESS FROM THE AUDIENCE

Commissioner Cross determined there was no business from the audience.

3. QUASI-JUDICIAL PUBLIC HEARINGS

Commissioner Cross corrected the agenda, noting that the item related to the amendment of the Eugene-Springfield Metropolitan General Area Plan and zone map amendment (ZON20007-00012 and LRP20047-00013) was incorrectly listed as legislative public hearing.

a. Site Review for St. Vincent de Paul of Lane County (DRC2007-0024)

Mr. Leahy reviewed the rules governing quasi-judicial hearings.

Commissioner Cross called for *ex parte* contacts or conflicts of interest. There were none.

Ms. Gale provided the staff report, noting the request for a retirement facility between 2nd and 5th streets in the vicinity of S Street. She said currently, Springfield lacked senior low-income retirement facilities.

Ms. Gale said a work session occurred earlier and she was asked to clarify the densities on the parcel. The maximum medium density was 19 units, and the applicant had designed the project to include 18 units on the medium density portion of the site. The maximum high density was 38.7 units per acre, and the applicant proposed 37 units on the high-density portion of the parcel.

Ms. Gale recommended that the commission consider the project a retirement complex and said she was advised that the parking must be addressed differently due to the low-income aspect of the project. She said that Bend and Corvallis required one space per unit for 55 and older

retirement complexes but had no low-income parking category. She shared her research from the State of California, which indicated the population to be served was unlikely to require more than one space, and that dropped when the development was near transit, which this was. Ms. Jones distributed information about parking requirements in California cities to the commission.

Ms. Gale recommended .5 spaces per unit, noting the applicant proposed one per unit.

Commissioner Beyer asked Ms. Gale to address the location of the garbage facilities and the issue of lighting. Ms. Gale said that both as proposed met City code requirements. The findings cited the code requirements for lighting, which should generally be directed away from residential properties on fixtures no more than 12 feet tall, which was application satisfied. She said the garage facilities should be to the side or rear, and was enclosed. As the development was completely surrounded by residential uses on all sides, some residential use would be within 25 feet of the facilities.

Commissioner Carpenter asked if there was a setback requirement between high- and medium-density. Mr. Metzger indicated there was a setback requirement between medium- and low-density and high- and low-density housing. Ms. Gale said the code was specific to a 25 foot setback for low-density development. Commissioner Carpenter suggested that the development was unique in both the “potential type of people” who would live there as well as in that it crossed two zones in one building. Ms. Gale said that the Fire Code addressed that issue.

Commissioner Carpenter asked if the code distinguished between visitor and resident parking. Ms. Gale said no. Commissioner Carpenter expressed concern that there would be inadequate parking.

Terry McDonald, Executive Director for the St. Vincent de Paul Society of Lane County, was accompanied by architect Anne Delany and builder Dennis Miley.

Mr. McDonald said the development was an opportunity for St. Vincent de Paul to bring much needed housing to Springfield. He said the project was a HUD 202 Project, which was a subsidized project that allowed an individual at 50 percent of median income over 62 years of age to pay 30 percent of their adjusted gross income in rent. Only two awards had been made in Oregon in a very competitive process. Mr. McDonald pointed out that more than ten percent of the community’s population was over 65 years of age and that was expected to double in the next 25 years. More than 1,000 senior renters in Springfield were very low income and paid half their income in rent. The project would address the need that existed.

Commissioner Beyer determined from Mr. McDonald that the HUD age limit was 62.

Commissioner Carpenter asked what would preclude St. Vincent de Paul from converting the project to market housing. Mr. McDonald responded that the agency had a 40-year requirement from HUD to keep the project an affordable project, and St. Vincent de Paul had a commitment to develop and maintain affordable housing in the community. Each of its 19 projects had a 50-year commitment. Commissioner Carpenter asked if the agency could “buy out the grant.” Mr. McDonald said no.

Ms. Delany identified the project location on a map and noted the right-of-way serving the property. She identified the property line that separated the high- and medium-density portions of the project and pointed out the parking location. She pointed out the storm water service

location.

Commissioner Beyer asked the distance from the back property lines on S Street to the building. Ms. Delany said it was 120 feet.

Ms. Delany shared a three-dimensional view of the project.

Commissioner Carpenter asked the distance to 5th Street from the garden area. Ms. Delany estimated the distance at 60 feet and said the agency did not own that property. Commissioner Carpenter determined from Ms. Delany that the City was requiring the agency to build two-thirds of the street. The right-of-way was 50 feet wide, and the pavement would be 28 feet wide. She confirmed, in response to a follow-up question from Commissioner Carpenter, that the width could accommodate a full road; she did not know if could accommodate parking. Commissioner Carpenter pointed out that if there was a full road, there would be no issues about parking. Commissioner Decker pointed out that the property across the street was responsible for the remainder of the street. Commissioner Carpenter suggested the City could build the full street and then charge that property owner.

Ms. Delany said that when the property owner across the street developed, they would be responsible for finishing the curb, gutter, sidewalk, and street trees.

Commissioner Carpenter asked about the right-of-way to 2nd Street. Ms. Delany pointed out where the right-of-way ceased. She said there was a half right-of-way, but the City's master plan called for the street to go through. When the properties abutting it were developed, the street would be extended.

Responding to a question from Commissioner Carpenter, Mr. Metzger said that the City might require the full development of streets and infrastructure for a subdivision, but it would not make that requirement of a project such as this. Commissioner Carpenter cited the precedent established by Peace Health in paying for the roads that would serve it.

Mr. McDonald said that St. Vincent de Paul met with the neighbors of the property on May 14. He thought the meeting had been very productive, and he had followed up with a letter addressing as many of those concerns as possible. The agency was trying to be a good steward of the project to meet the neighbors' needs as well as its own needs.

Commissioner Carpenter asked if St. Vincent de Paul would have employees on the site. Mr. McDonald said there would be an on-site manager and other employees would visit the site to offer classes, for example, but would not live there. Commissioner Carpenter asked if the landscaping would be maintained. Mr. McDonald said the landscaping would be maintained by contract. Commissioner Carpenter asked how many people would be employed on the site in a single week after the project was done. Mr. McDonald said the facility would be an independent living facility and there would be no other staff outside the on-site manager. He tallied the maximum number of nonresidents visiting the site people each week at approximately nine.

Commissioner Cross referred to the garden area for residents' use and the potential a portion could be used for parking. Mr. McDonald said the space was wide enough to be used for parking. Ms. Delany estimated that 20 or more additional parking spaces could be added if the commission eliminated the garden area for residents.

Commissioner Cross called for public testimony.

Rita Castillo, 6825 F Street, said she used to live at B Street and wanted a park behind the house but St. Vincent de Paul had bought the property and built Ash Meadows. At that time, they estimated an extra 600 automobiles a week. That might have been true at the beginning, but over time things quieted down and the development became a nice neighbor. The agency had been a good neighbor and good landlord. They kept on-site managers on their properties. She said seniors were good quiet neighbors. She had visited the street and considered it wide enough to accommodate four ordinary vehicles parked side by side. She supported the application and encouraged the commission to visit other St. Vincent de Paul projects.

Commissioner Carpenter asked if Ms. Castillo if she had viewed the agency's Fairview development. Ms. Castillo said no.

Ken Schmidt, owner of 496 and 498 S Street, a resident of 605 Fair Oaks Drive in Eugene, was supportive of the work done by St. Vincent de Paul but had concerns about the width of the street. He did not agree that the street was wide enough for cars to pass each other safely and suggested it was at capacity at this time. It was hard to enter a vehicle when cars were passing. He also was concerned about the number of vehicles going in and out of the proposed development. He called for an alternative way to bring traffic into the site.

Commissioner Carpenter determined from Mr. Schmidt he had experienced an accident at 5th and S Street when another motorist failed to heed a stop sign. Commissioner Carpenter asked if Mr. Schmidt had seen any other accidents there. Mr. Schmidt said no, but he had been backed up in traffic as far away as S Street from the stoplight at 5th Street on busy evenings.

Mr. Schmidt said that he was not contacted by St. Vincent de Paul.

Steven Blista, 472 S Street, shared the concerns expressed by Commissioner Carpenter and Mr. Schmidt regarding the capacity of the street. He feared that additional congestion and noise would be the result and residents' enjoyment of their properties would be disturbed. He believed that alternative rights-of-way such as the one to the north of the storage facility could be used, although he acknowledged the agency did not own that property. It did not seem wise to have all the traffic from the development on the limited capacity of S Street. He requested that the record remain open for seven days.

Joel Treola, 368 S Street, expressed his concern about the construction traffic coming in and out of the site. He did not think the trucks could easily make the 90 degree turns at the intersections at S and 5th streets and S and 3rd streets. He was a motor carrier enforcement officer for the Oregon Department of Transportation and had considerable experience on the extent of trucks' maneuverability. He had witnessed how difficult it was for cars to make those turns and suggested that trucks up to ten feet wide could be coming to the site, making the turn even more challenging. He said most of the young children on S Street appeared to live on the west end and children will out in the streets, creating potential conflicts. He supported an alternative route for construction vehicles.

Commissioner Carpenter asked Mr. Treola if he thought the intersection between S and T streets were more dangerous than it would be if the streets were across from each other. Mr. Treola did not know.

Commissioner Cross called for comment from staff.

Ms. Gale indicated the City did not have dedicated right-of-way to the south of the applicant's project.

Commissioner Beyer asked the width of T Street and S Street. Mr. McKenney did not know the width of T Street, and S Street was 32 feet. The City's current standard was 36 feet; a minimum of 28 was allowed where there were less than 200 feet of length and fewer than 1,000 trips daily. He acknowledged Commissioner Beyer, that 28 feet was tight for auto passage. He believed that S Street was a standard City street, although a little narrower than the current standard. He said the City did not require anyone to build more than 36 feet in such a situation.

Commissioner Cross asked if there had been special provisions for construction access. Mr. McKenney did not know. He was not familiar with any cases where the City imposed a condition of approval that precluded construction trucks on a street. Commissioner Cole asked if the City had ever limited parking on a temporary basis to facilitate construction traffic. Mr. McKenney did not know.

Commissioner Beyer asked the setback from a corner for parking. Mr. McKenney said the City did not have a code provision that spoke precisely to the question; it employed a vision clearance angle approach that was 25 feet along the property line. The curb was traditionally marked with yellow paint. When the City was called by residents with complaints, it investigated the situation and on occasion removed parking. He distinguished the City's management of the street system from the land development process.

Commissioner Carpenter asked if the City could require a lot owner to provide an alternative construction access to property in a residential neighborhood. He asked if the City could require the property to secure an easement across another property for that purpose. Mr. Leahy said he would do further research. He suggested that requiring the applicant to secure an easement on another property was essentially requiring the applicant to turn his checkbook over to the owner of the property containing the easement. He noted that during the construction of the Royal Building, the City had allowed the temporary removal of parking spaces to facilitate construction access. Commissioner Carpenter noted the amount of construction parking at that site.

Mr. McKenney said in the case of the Royal Building, the vehicles in question were occupying what would normally be on-street parking. The City had not required that; the builder had come to the City and indicated what was necessary to facilitate construction.

Commissioner Carpenter asked what constituted two-thirds of a street. Mr. McKenney indicated that two-thirds of 36 feet was 24 feet, and the intent was to provide for two travel lanes. The property owner across the street would be required to build their part of the street as required by Article 32. Commissioner Carpenter believed that there was a potential parking problem and the City's requirements were not sufficient to provide for needed parking, having a spillover effect on residents. Mr. McKenney said he had no evidence there was going to be parking problem. He believed the parking to be provided on site was entirely adequate. Commissioner Carpenter said the project was "an island" and said there would be no recourse if there was a parking problem. Mr. McKenney concurred that if the parking lot was full people would park on the street.

Commissioner Carpenter maintained that people would be trespassing on other people's property to reach the project from their parking spot else given the current design.

Commissioner Cross pointed out to Commissioner Carpenter that Mr. McKenney was contending that there was no parking issue. Commissioner Carpenter pointed out that Mr.

McKenney said if the lot was full, people would park on the street. Mr. McKenney said that was simple logic. If the parking lot was full, people would seek the next nearest place to park. Parking was not permitted on 5th Street or Q Street, and there was no way to reach the site from 2nd Street without crossing private land. However, he continued to maintain the parking proposed was adequate.

Responding to questions asked earlier at the work session by Commissioner Carpenter, Mr. McKenney said that the trip generation numbers included in the staff report were for the proposed use; the ITE reference document employed by staff assigned a value to senior adult housing of 3.48 trips per day per occupied unit. Commissioner Carpenter asked the age of the data. Mr. McKenney said that the data was collected in several states in the 1980s and 1990s for a range of developments in several states. Commissioner Carpenter asked about the trip generation from an apartment complex. Mr. McKenney first clarified that the information for apartments does not account for a full day; staff had information about peak hours, and as general rule of thumb, the peak hour of the day was usually about ten percent of the daily total. For senior adult housing, the average rate was .11 trips per occupied unit. For a mid-rise apartment, the average rate was .39, or about four times the rate for senior adult housing.

Commissioner Carpenter said that information “baffled him” because of the number of units involved. Mr. McKenney said that was the data available and it was found by taking the measurements available in the real world, and it was all staff had to work with.

Commissioner Beyer was not surprised that the amount of trips was substantially less. He did not expect senior citizens to be taking children to soccer games or take their children to work. Commissioner Carpenter suggested that perhaps the seniors he knew were more active as they also cared for their grandchildren at times. He thought senior citizens were “different” than they were in 1985.

Commissioner Carpenter asked what 55 single-family residences would produce in a peak hour. Mr. McKenney said that almost exactly 55 trips. He confirmed, in response to a question from Commissioner Carpenter, that the data indicated that senior citizens drive one-tenth as much at peak hours as the occupants of a single-family house.

Mr. McKenney said the ITE parking generation data ranged from the 1960s to the present. For senior adult housing, the parking supply ratio was 1.2 to 1.4 per unit. There parking demand ratio was .5 to .33 parking spaces per unit. Two studies were involved, one of 46 units and one of 91 units. For apartments, the parking supply ratio was 35 spaces for 55 units, or 1.4 per unit.

Commissioner Carpenter asked about right-of-way between the development and 2nd Street. Mr. McKenney pointed out the City-owned property in the area that could be used as a street in the future when additional space was acquired. Mr. Leahy said the City also required a setback of the property occupied by the mini-storage units so that if it had to acquire something by eminent domain it would cost less. He indicated he would research that information for inclusion in the record. Commissioner Carpenter suggested that if the City already owned property in that area, it could be temporarily surfaced. Commissioner Decker pointed out that it only got one halfway there. Mr. McKenney agreed, pointing out the gap that existed. The City did not have a complete continuous right-of-way from 2nd Street to 3rd Street. Mr. Leahy was unsure that the City did not own the entire length, and wanted to research that information.

Ms. Gale reminded the commission that the building development process was not part of the land use decision. The building process was governed by other regulations.

Commissioner Cross asked if the commission could require special traffic restrictions for the building development process. Mr. Leahy said he would look into the question and respond later.

Commissioner Cross called for rebuttal testimony.

Mr. Miley said that when his company worked in a residential area, employees were directed to work with extreme care. The company planned to improve the street and place a staging area where the barricades now exist. He believed the intersections were safely negotiable by large vehicles. Mr. Miley said there were many 32 foot wide streets, and his company had worked on 28-foot wide streets without a problem. He was confident that his company would be able to do the construction with a minimal impact on the neighborhood.

Commissioner Carpenter asked how many yards of dirt would be moved. Mr. Miley responded that plans were not complete and he did not know. Commissioner Carpenter asked how many people would be on the site at one time. Mr. Miley estimated 60 to 90. Commissioner Carpenter asked the maximum number of people working on the Royal Building. Mr. Miley estimated 60 to 90. He said that construction generated many workers, and they were familiar with the work conditions. The company planned to provide parking off site. Commissioner Carpenter asked if the company ever required car pooling to a site. Mr. Miley said yes. Commissioner Carpenter asked if that could occur in this case. Mr. Miley said it was possible if a place could be found to park the cars of the people in the car pool. He pointed out that contractors often drove their own trucks with their own equipment to sites.

Commissioner Beyer determined from Mr. Miley the parking lot would be in place before the majority of construction activity occurred.

Commissioner Carpenter expressed concern about the morning and afternoon “rush hours” down S Street created by the construction work force. Mr. Miley pointed out that the employees would not all show up at once.

Mr. McDonald reminded the commission that the occupants would be low-income seniors and the experience of other such projects in the region indicated there was not many vehicles associated with such a project because the occupants were poor. Those projects did not experience many outside visits. He did not think the project could be likened to a typical senior development because it would serve very low-income seniors who were often alone, and he wished that was different. He believed the parking would be adequate and it would accommodate both residents and visitors.

Commissioner Beyer assumed that the people who lived in the development would visit stores and the development was within easy walking distance of stores. Mr. McDonald agreed, but pointed out that frequently such populations were unable to walk much.

Commissioner Carpenter asked what in the code prevented the occupant’s friends or siblings from moving in with them. Mr. McDonald said the agency had very rigid criteria for who lived in the project, and the number who could live there was restricted as the units were one-bedroom units and could accommodate only two people. Commissioner Carpenter asked if the manager would check that. Mr. McDonald said yes. He pointed out the housing was very dense and it tended to create a community unto itself, and everyone would know everyone else.

Commissioner Carpenter thought the project was a great one but he questioned whether it was adequately planned for minimum impact.

Commissioner Cross closed the public hearing and held the written record open June 12 at 5 p.m., and gave the applicant two additional days to respond the record (June 14).

Commissioner Kirschenmann was interested in seeing a commitment to the City that the development would be senior housing for at least 25 years. Mr. Metzger noted that the City administered the Community Development Block Grant dollars that would go to the development and had some oversight in that sense. Commissioner Kirschenmann indicated satisfaction with the response. He asked what could be done about parking if it became a problem. Mr. Leahy indicated that staff would look into what could be done within the confines of the existing code.

Commissioner Carpenter requested the police reports on accidents on 5th Street between U and Q streets for the last five years.

Commissioner Cross called for a brief meeting break.

b. Vacation of Public Right-of-Way—City of Springfield/Springfield Police Department (LRP2007-00019)

Mr. Leahy provided the rules governing the public hearing.

Commissioner Cross called for *ex parte* contacts or conflicts of interest. There were none.

Mr. Limbird provided the staff report, noting the location of the right-of-way to be vacated, which was for the purpose of incorporating the vacated street into the new Justice Center. He noted the other planning processes that had occurred in regard to the Justice Center. Construction was pending. He said the staff report included findings in support of the request. A traffic study was done for the site option selected for the Justice Center in July 2006 and was referenced in the staff report and incorporated into the public record by reference.

Mr. Limbird noted the four letters received from Bob Foster regarding the vacation request.

Mr. Limbird said the commission's recommendation on the issue would be forwarded to the City Council for a final decision. The record established through the commission process would be forwarded to the council as well.

Commissioner Cross opened the public hearing.

Police Chief Jerry Smith provided some background of the project, noting the alternative sites considered by staff and its concerns about the need to be in close proximity to the City Hall. One of the drivers for the selection of the location was financial, and the City already had owned the site in question. The council, in the bond measure presented to the voters, indicated the building would be constructed at the proposed site and it could require some street closures or additional land purchases to complete the project. The architectural renditions of the building were used in the campaign, and the renderings indicated closure of both 4th Street and B Street. Chief Smith said the closure of 4th Street was not necessary.

Continuing, Chief Smith said that following successful bond measure, the council formed an

advisory committee to look at different construction options. The committee's ultimate recommendation was not unanimous. The council had accepted the recommendation, however, and directed staff to move forward with the project. He said the City's code allowed for street closures when the public good outweighed the negative impact and the land remained in public ownership.

Chief Smith noted the memorandum he provided the commission outlining the reasons for the closure. He emphasized the operational and safety issues related to the street closure. He said that the police fleet must be secured as it was a popular target. He was also concerned about the safety of employees crossing the street to reach their police vehicles if the street was not closed. The jail must have an evacuation plan for inmates, and there was no viable alternative solution to having a secured area contiguous to the facility for that purpose. He invited questions.

Commissioner Carpenter referred to the alleyway that would become the nearest throughway to the facility if the street was closed, and asked if it was possible to move the fence on the north side of the facility three feet to provide room for a sidewalk. Chief Smith indicated that would reduce parking. He did not observe much pedestrian traffic in that area. Commissioner Carpenter suggested that it was possible pedestrian traffic could increase on the alley if the street was closed. Chief Smith said that the fence could be moved but he would prefer that it not be moved as anything that affected the parking design would have a compromising effect on operations.

Scott Olson, 1127 E Street supported the project but objected to the street closure. He acknowledged Chief Smith's concerns but said the public process had been completely ignored, and his concerns about the nodal development overlay were not taken into account. The City had modified the code in what he termed a "crude attempt" to waive the comprehensive plan zoning and refinement plans applied to the district. The City changed what was allowed in the zone to build the Justice Center downtown. Now the City proposed to "ignore all the rules related to what was supposed to happen." He requested the record be held open.

Mr. Olson asked that his previous testimony before the commission be added to the record. He had asked to be notified of all subsequent actions related to the Justice Center, but the City had failed to notify him of the site review process. He said if the council approved the vacation, it would be appealed to the Land Use Board of Appeals.

Commissioner Beyer determined from Mr. Leahy there was no legal barrier to incorporating Mr. Olson's previous testimony into the record.

Don Maloney, 922 B Street, expressed his support for the application??

Roxie Cuellar, representing the Homebuilders Association of Lane County, 2053 Laura Street, said the homebuilders supported the project. She also spoke on her own behalf, noting she had chaired the bond measure campaign that led to the Justice Center, and chaired the campaigns for the police levy. She said when the bond was passed, the City accepted monetary restrictions on what would be spent on the jail. Other designs were considered, but all exceeded the money provided by the bond. The design was chosen because the voters had selected it through the amount they were willing to spend. Ms. Cuellar said that the levy campaigns promised improved response, and closing B Street was a way to keep the department from going backward in regard to response time. If officers had to cross a street carrying public traffic to reach their cars, that would be going backward. Ms. Cuellar said the closure would not have a significant impact on street connectivity and other streets served the area adequately. She said the application met the

requirements of the State statutes.

Patrick Lucaeno, 1097 Janis Street, a member of the Police Planning Task Force, spoke in support of the application. He had also been involved in the levy campaigns mentioned by Ms. Cuellar. He underscored Ms. Cuellar's remarks about response time. He also expressed appreciation to the City Council for moving forward with the project in a responsible way. He thought it would be irresponsible to build a police campus with three different areas, particularly when specialized weapons, equipment, and vehicles were involved. The street closure was needed to unit those areas into a single Justice Center. He termed it folly to run a public street through the middle of a police complex. He did not think the street closure would inconvenience anyone. He agreed with Chief Smith about the importance of security and suggested closing one block was a small price to pay with a high rate of return.

Responding to a question from Commissioner Carpenter about the degree to which response time would be increased if B Street was left open. Mr. Lucaeno did not have that information as he was not currently on the task force. He said an officer called to an emergency had one thing on their mind, the response, and they would race to their cars without thinking about traffic. Commissioner Carpenter asked how many police officers were on the street compared to officers in the center. Mr. Lucaeno did not know, but pointed out that in the case of an emergency, the remainder of the force would be called in and would have to prepare themselves for a response.

Janelle Mitchell, 841 Riverknoll Way, asked the commission to support the application to preclude the Justice Center from being "potentially broken." She said that the transfer of evidence from one part of the complex to the other could be hampered and evidence potentially damaged by the elements if the closure was not approved. She noted the officer safety issues that had been raised previously. She suggested a big issue to consider was officer access to the SWOT van, which must be loaded and deployed quickly. It was important that and other specialized vehicles be close to the building. If the units were parked in an area farther away, it would require more money. The transfer of prisoners or those brought in for questioning would be more complicated and would require more officer time if the street was not closed. She thought that time better spent on patrol.

Faye Brabham, 644 North 4th Street, thought the sacrifice of one city block would not be much in comparison to the Justice Center. She said that if there was anyway for the department to keep the street open, she was sure that would be supported, but that did not appear to be feasible to maintain building security.

Norman Marlboro, 3995 Commercial Avenue, said he worked in the corrections field and the need for security was continually pounded into the heads of such workers, and that included the safety and security of both employees and inmates. He thought the street closure being proposed was extremely important to the safety of those who would be housed in the facility, and thought the idea of allowing public traffic into such an area was unwise. There was the danger of injury to pedestrians and others passing by, creating a huge liability for the City of Springfield.

Commissioner Cross called for staff comment.

Mr. Limbird recommended approval of the application, saying the testimony provided to the commission generally supported the findings in the staff report.

Chief Smith pointed out that the use of the Justice Center was the same use that had been in place for the 37 years he had been in Springfield in that it included a jail that was now used as a

holding facility. The City Prosecutor would be housed there. The use was not changing.

Regarding Commissioner Carpenter's question regarding response time, Chief Smith said it was impossible to answer. The reality was that there were five or six people in patrol cars at any time of the day and they were not always patrolling because they were transporting prisoners or meeting witnesses at the station. When the department was in need of additional resources, it could call on detectives to respond as well. Commissioner Carpenter asked if those were "back up" responders. Chief Smith said it depended on the definition of "back-up responder" and the situation involved. At any given time, the department could have one, two, or three officers at the Lane County jail, and if an armed robbery occurred, he would have to call in back-up responders.

Commissioner Cross closed the public hearing and indicated the record would remain open for seven days.

Commissioner Cross reopened the public hearing to accommodate an additional speaker.

Cecil Saxon, 85769 2nd Street, Eugene, said he owned property in Springfield. He said that everyone needed the police at some time and the commission should do everything it could to support the police. He said the voters had already indicated their support. He questioned why the community should keep rehashing the issue and pointed out that only a small minority opposed the street closure. He thought the services that were provided by the police more important than the street closure.

Commissioner Cross again closed the public hearing and indicated the record would remain open until June 12, 2007, at 5 p.m., and the proponents would have until June 14 to submit rebuttal testimony.

c. Metro Plan/Refinement Plan Map Amendment and a Concurrent Zone Map Amendment; Journal Number ZON2007-00012 and LRP20047-00013

Mr. Leahy reviewed the rules governing quasi-judicial hearings.

Commissioner Cross called for *ex parte* contacts or conflicts of interest. Commissioner Cole declared a conflict of interest because of his wife's employment at Peace Health and left the meeting.

Mr. Reesor provided the staff report, noting the proposed zone change and calling attention to the applicable criteria and statutes governing the applications. He highlighted that Goal 12, Transportation, and Goal 9, Economic Development, were the State goals most pertaining to the application. He said that staff recommended a trip cap of 243 trips based on the applicant's submitted Traffic Impact Analysis. The cap was intended to restrict the intensity of future uses on the site. The applicant's ultimate goal was to construct a 35,000 square foot medical office building, and the trip generation for such a use was much different than, for example, a restaurant.

Mr. Reesor said that Mr. McKenney was present to answer questions about traffic issues.

Commissioner Cross asked if the traffic issue was the largest concern in regard to the zone change application. Mr. Reesor said yes, noting that staff had been looking at the issue with Oregon Department of Transportation staff, who had written the scope of work for the traffic

analysis.

Responding to a question from Commissioner Carpenter, Mr. Reesor said that the applicant submitted a response to ODOT's comments and proposed a trip cap of 346 trips; since that time staff met with the applicant, who indicated acceptance of the recommended cap of 243 trips.

Referring to Attachment I-4, Commissioner Carpenter asserted that light industrial was intended to be a buffer for heavy industrial, and it appeared from the map that the commercial property to the east continued to have a light-medium industrial buffer but the site in question would not. He asked if the applicant was willing to "take all the pain that they're going to lose having a buffer" or being adjacent to heavy industrial. If so, how could the City protect heavy industrial from any future nuisance suits from something else that came to the area. Mr. Reesor referred the question to the applicant. He noted that the Community Commercial zone was one of the City's more intensive commercial zones.

Mr. Metzger pointed out that it was not unusual to have heavy industrial adjacent to commercial. Buffers were more intended to protect low-density residential from higher intensity uses, and Community Commercial was a pretty intense zone.

Commissioner Decker asked who owned the industrial land in the area. Mr. Reesor did not know.

Mr. Reesor noted that one of the tax lots had an existing commercial use that had been in existence for decades (Tax Lot 402).

Responding to a question from Commissioner Kirschenmann, Mr. Reesor said that the 243 trip cap was considered the reasonable worst case scenario for the existing zoning. The applicant projected about 171 trips, well below the cap of 243 trips.

Commissioner Cross opened the public hearing.

Philip Farrington, 123 International Way, represented Peace Health. He said the proposal achieved four of the eight council goals listed on the wall: it helped use resources efficiently, maintained the existing transportation infrastructure, expanded the Springfield economy by creating family wage job, and facilitated the redevelopment of Springfield. He said that the hospital was seeking to serve the rapidly developing area in east Springfield. He acknowledged the industrial use next door and the fact that the hospital was being somewhat of a pioneer in locating on the site, but he anticipated there would be other developments that helped improve the face of Main Street.

Mr. Farrington said the application demonstrated that there was a surplus of industrial land and a deficit of commercial land. Peace Health would not "debit" the inventory of needed industrial lands but would provide land for commercial services in a manner consistent with the City's adopted and acknowledged Commercial Lands Inventory. It was consistent with the City's Economic Opportunities Analysis and its adopted plan, and hence with the Eugene-Springfield Metropolitan General Area Plan and Statewide planning goals.

Mr. Farrington invited questions about Goal 9. He indicated many of the jobs that would be created would be in a higher income bracket than the jobs provided in the former industrial yard. He also believed the development would provide a better buffer for the existing residential development along 44th Street abutting the property to the west.

Regarding Goal 12, Mr. Farrington said the trip cap could accommodate the square footage 1 build-out and the applicant had no objection, even though there was more capacity that could be developed. He noted that Jim Hanks of JRH Engineering was present to answer questions about the trip cap.

Commissioner Carpenter asked how the hourly peak fit into the trip cap. Mr. Hanks responded that the analysis looked at peak hour trips and they turned out to be same ratio and types of uses as off-peak hour trips. He clarified that the trip cap was not hourly, it was daily.

Mr. Hanks said that ODOT's requirements were based on the transportation planning rule (TPR), which stipulated that at the end of the planning horizon no land use change could cause a significant effect, which means that you could not have failure in the transportation system caused by a land use change. ODOT wanted to take the worst possible case to analyze if that happened. There were alternatives available under the TPR, such as asking the City to change a mobility standard or establishing a trip cap. There was also the option of mitigation. Peace Health chose a trip cap because that avoided the need to pay for improvements that were not necessary.

Nancy Faulk, 2567 Marcola Road, expressed concern about the loss of light industrial land. She perceived a contradiction between the applicant's stated intent to build commercial uses with a "possible" medical office. She requested that the record remain open. Commissioner Beyer asked if Ms. Faulk planned to submit additional written material. Ms. Faulk did not think so.

Commissioner Cross called for the staff response. Mr. Reesor said the proposed change to Community Commercial was proposed by the applicant because the medical office use was an allowed use in that zone. That did not mean the applicant could not change its mind in the future. However, the applicant had indicated intent to build a medical office.

Mr. Reesor said he had received no other testimony outside that offered tonight.

Commissioner Decker determined from Mr. Reesor that the trip cap accompanied the property.

Mr. Farrington said Peace Health had looked long and hard for property in east Springfield, and there was little commercially zoned land available at a reasonable price, that was not already developed, or was of sufficient size to accommodate the medical office contemplated. Other options were on residentially zoned property, and there were concerns about the inventory of such lands, while that concern did not exist in regard to commercial land.

Commissioner Cross closed the public hearing and indicated the record would remain open until June 12 at 5 p.m. The applicant would be given two days to respond.

4. LEGISLATIVE PUBLIC HEARING

a. Amendment and Reformat of the Springfield Development Code—Journal Number LRP2007-00015

Mr. Karp provided the staff report. He entered the staff report into the record, and indicated it laid out findings in support of the changes. He recommended the commission approve the

attached findings and forward its recommendation to the City Council.

Commissioner Cross opened the public hearing. There being no requests to speak, he closed the public hearing.

Commissioner Beyer, seconded by Commissioner Decker, based on the staff report and findings therein, the Planning Commission recommend to the City Council that it adopt the amendment to the Springfield Development Code as proposed. The motion passed unanimously.

5. BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

Mr. Grile reported that House Bill 3337 had passed both houses of the Oregon Legislature. Commissioner Beyer observed that Governor Ted Kulongoski had ten days to sign the bill.

Responding to a question from Commissioner Decker, Mr. Grile anticipated a two-step process, the first to separate the boundaries by implementing the statute, and the second to look at the land supply issue. The boundary could be separated by the end of the year.

Mr. Leahy reported on his attendance at the funeral service for former Planning Commissioner Don Lutes and said a Japanese maple tree had been planted in his honor at Island Park. He noted Mr. Lutes' long service to Springfield.

6. REPORT OF COUNCIL ACTION

There was no council report.

7. BUSINESS FROM THE COMMISSION

There was no other business.

8. ADJOURN REGULAR MEETING

Commissioner Cross adjourned the meeting at 10:15 p.m.

(Recorded by Brenda Jones, Transcribed by Kim Young)