

City of Springfield  
Work Meeting

WORK SESSION MEETING OF  
THE SPRINGFIELD PLANNING COMMISSION HELD  
Tuesday, March 13, 2007

The City of Springfield Planning Commission met in Work Session in the Jesse Maine Meeting Room, 225 Fifth Street, Springfield, Oregon on **Tuesday, March 13, 2007 at 6 p.m.**, with Frank Cross as Springfield Planning Commission Chair.

**ATTENDANCE**

Present were Chair Frank Cross, Vice Chair Bill Carpenter, and Planning Commissioners Lee Beyer, Gayle Decker, Dave Cole, Steve Moe and Johnny Kirschenmann. Also present were Development Service Director Bill Grile, Planning Manager Greg Mott, Planning Supervisor Mark Metzger, Gary Karp Planner III, John Tamulonis Economic Manager, Planning Secretary Brenda Jones, and City Attorney Joe Leahy.

**ABSENT**

**APPLICATIONS**

- **Proposed Springfield Development Code Amendment to allow vacation of public right-of-way, retention in City ownership and alternative public use of the right-of-way – LRP 2007-00002**

The commission considered proposed standards for right-of-way vacations. Mr. Mott postulated a situation that involved an expansion to City Hall, which stood over existing right-of-way. In that instance, the City Council would not deed the vacated right-of-way to the adjacent property owners, but would retain it in public use and use the right-of-way for an alternative public use. The standards would be employed in such a case.

Commissioners briefly discussed situations that might give rise to the application of the standards, such as an alley vacation. Ms. Decker asked if the standards limited what could be done with such a City-owned property. She asked if, for example, a long skinny building could be constructed in such a situation. She did not want to see such a thing occur. Mr. Mott said the standards created no limits. He suggested that exploring all the “what ifs” could be an extensive undertaking. He pointed out that the City was not in the business of constructing buildings for such purposes as housing or retail so there was no danger of that.

Mr. Cross recalled some previous street vacations to the east to facilitate the Hammer project and asked how the standards would have affected that application. Mr. Mott pointed out the property was not retained in public ownership, and that situation was addressed in the existing

standards, which were intended to quit the City's ownership of the land. The proposed standards would not have affected that project.

Responding to a question from Mr. Beyer, Mr. Leahy said that State law governed the disposition of vacated public rights-of-way, which called for such vacated rights-of-way in most instances to revert to the adjacent property ownership. Unlike some municipalities, Springfield did not charge adjacent property owners for the land, but under the current code the City could do so. Generally, the vacations involved were minimal in value. He recalled a vacation involving Roseboro Lumber, which eventually made a donation to the City to make a vacation work out. Mr. Beyer suggested it was a "sale by another name."

Responding to a request for clarification from Mr. Beyer about the situations to which the standards would apply, Mr. Mott did not believe there was anything in the proposal that limited it to City-owned property on both sides of a right-of-way. Mr. Beyer questioned how that fit with Mr. Leahy's previous statements regarding State law.

Mr. Carpenter suggested that the application of the standards met the City would be changing the purpose of the right-of-way rather than vacating it. Ms. Decker agreed, saying it would merely be closing the road.

Mr. Cross noted that the proposed standards were specific to City-initiated vacations that could be initiated only the council. Mr. Mott concurred. He said that the abutting private property owner would have to sign off on the vacation, or it would not occur.

Mr. Grile diagramed an example on the chalk board mounted in the meeting room to demonstrate how the standards would be applied.

Mr. Leahy clarified that if a private property was involved in such a vacation, the consent of the property owner would still be requirement for a vacation for a public purpose initiated by the council. Mr. Mott quoted from the relevant code section in support of Mr. Leahy's remarks.

Ms. Decker postulated a circumstance in which an unused street was changed to a bicycle path or dog park and asked if the street in question must be vacated. Mr. Leahy said if the nature of the street was changed from its original use, he recommended to the City that it vacate the street. In response to a follow-up question from Ms. Decker, Mr. Leahy speculated that the City of Eugene merely closed the streets and widened the sidewalks when it created the downtown mall as it had later opened up the streets again.

Mr. Cole pointed out that one could not permanently block access in a public right-of-way. Mr. Leahy concurred. Mr. Cole said that as long as one could walk on the right-of-way without interference, it was still public right-of-way. If the City proposed to put a building on the right-of-way, that created a problem. Ms. Decker concurred. Mr. Leahy said that in the case of B Street, the City might want to preclude public access for security reasons, which would require the street to be vacated.

Using B Street as an example, Mr. Beyer asked if the property owners east of 4<sup>th</sup> Street in the next block had any say in the vacation of B Street. Mr. Leahy pointed out the notice requirements for such applications. Mr. Mott said the area affected by the vacation was defined in the code as moving laterally away from the proposed vacation 200 feet and extending 400 feet beyond the terminus of the proposed vacation. Those inside the affected area received notice. A block downtown was approximately 240 in length. Responding to a follow-up question from Mr. Beyer about the rights those noticed received, Mr. Mott said they had the right to receive notice, participate in the public hearing, and appeal the council's decision to vacate the right-of-way. In the case of citizen petition for a vacation, the majority of affected property owners in the affected area must consent, and all of the abutting properties must consent.

Mr. Beyer asked about economic harm. Mr. Mott said that the abutting properties could seek compensation for damages for the vacated right-of-way. Mr. Leahy suggested a situation in which a service station lost access on one street while continuing to have access onto another street; in that case, there were no damages because the station continued to have access. The case of the property owners affected by the right-of-way would be the same; as long as people had access to and from their property, even if one more block out of the way, they were not damaged.

Responding to a question from Mr. Cole about the fact that Section 3 lacked mention of no negative effects, Mr. Mott said there was a specific citation in the transportation planning rule as it related to sidewalks and pedestrians, and staff was recommending the addition of a Criterion D that a greater public benefit would be obtained from the vacation than from retaining the right-of-way in its present status.

Mr. Beyer asked why the change was needed as he perceived the City as having the power already. Mr. Mott did not agree. He pointed out that the current code did not mention the retention of public right-of-way for another public purpose as a reason for a vacation. He said the City had been presented with circumstances in the past where the criteria were not responsive to the decision under consideration. Through the addition of Section 3, the council would now be able to consider a specific proposal with criteria that were related to the proposal, which was why staff also created new criteria for school siting, wireless telecommunication facility siting, etc.

- **Discussion of Campus Industrial Changes from 2004 -**

Economic Development Manager John Tamulonis and Planner Gary Karp were present for the item.

Mr. Tamulonis gave a brief update regarding the effect of the 2004 adjustments to the Campus/Industrial Zone as the Gateway area approached the condition of having 30 percent of non-industrial uses in the business park category. He identified the location of new and existing uses on a map the Gateway area and noted the location of about 58 additional

Campus/Industrial zoning in mid-Springfield. The changes made to the zone were intended to facilitate a mix of uses and provide flexibility for changing technologies.

Mr. Karp said things were working very well in the Gateway area. There was only a limited amount of land allowed for non-industrial uses, which was why staff was considering updates to the code to provide more flexibility for this area.

Mr. Tamulonis reviewed some changes being considered for the zone. Commissioners asked questions clarifying the information presented.

Mr. Tamulonis recommended that if the Planning Commission had issues about the zone, it meet to discuss them and forward its questions and concerns to the City Council.

- **Proposed Springfield Development Code Amendment to Article 26 – Hillside Development Overlay extending the potential use of Cluster Development**

Mr. Metzger provided an overview of the changes the City was proposing to the Hillside Development Overlay zone. Commissioners asked questions clarifying the information presented. Mr. Metzger diagrammed an example to illustrate the changes being proposed.

## **ADJOURNMENT**

- The meeting was adjourned at 7 p.m.

Minutes recorded by Brenda Jones/Kimberly Young