

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD PLANNING COMMISSION
Tuesday, October 7, 2008

The City of Springfield Planning Commission met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon on Tuesday, October 7, 2008, at 7 p.m., with Frank Cross as Springfield Planning Commission Chair.

ATTENDANCE

Present were Chair Frank Cross, Vice Chair Johnny Kirschenmann and Planning Commissioners Lee Beyer, Sheri Moore, Eric Smith, Terry Leezer, and Steve Moe. Also present were Development Service Director Bill Grile, Planning Manager Greg Mott, Planning Supervisor Mark Metzger, Planning Secretary Brenda Jones, and City Attorney Joe Leahy.

ABSENT

- None

PLEDGE OF ALLEGIANCE

- The Pledge of Allegiance was led by Chair Frank Cross.

Commissioner Moe asked to be excused from the meeting due to a death in his family. Commissioner Cross excused Commissioner Moe and commiserated him on his loss.

BUSINESS FROM THE AUDIENCE

- None

QUASI-JUDICIAL PUBLIC HEARING

- **Baby Face Towing, DRC2008-000056**

The applicant proposed to use an existing industrial building for storing impounded vehicles that are towed to the site. All vehicles would be stored indoors. Staff would be on-site during normal working hours to allow owners to pick up their vehicles. Vehicles may be towed to the site any time of the night or day.

Planning Manager Greg Mott reviewed the request before the commission. He said the Springfield Code called for discretionary uses to be reviewed and approved if the relevant criteria were satisfied by the record. He called attention to the applicable criteria found in Section 5.9-120 of the code and reviewed the criteria. Mr. Mott asked those offering testimony to raise issues with sufficient specificity to provide the commission and others

with the opportunity to respond. Failure to raise an issue or be sufficiently specific could preclude one's ability to appeal the commission's decision.

Mr. Mott indicated that requests to keep the record for one week would be honored.

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

Planner Mark Metzger provided the staff report. He noted only a few uses in the code were considered discretionary uses, and since such uses had the potential for controversy, applications were considered by the commission. Mr. Metzger said the application before the commission did not fit well into the category in the code entitled "Towing, Vehicle Storage, and Auto Wrecking Yard." The application did not concern a towing service, although a towing service would bring impounded cars to the location for indoor storage. He referred the commission to the aerial photographs included in the packet to provide with context in regard to the location. The applicant was present to answer questions about the use.

Mr. Metzger overviewed Attachment A in the packet, the applicant's narrative, which described the business in question and how it was proposed to operate.

Mr. Metzger recommended approval of the application. He believed it would have a low impact as it was entirely surrounded by industrial uses and the building itself was isolated from those uses. He noted that the City had a separate application for a new development that would incorporate the existing building and make fuller use of the existing site.

Commissioner Beyer referred to the applicant's comments, which mentioned the vehicles would be stored inside the warehouse building. There were no conditions of approval related to that. He asked if that made a difference. Mr. Metzger said the application was for inside storage. He did not believe that outside storage would have a negative impact, either. It might change the nature of the concurrently processed drinking water protection permit as it regarded mitigation measures and the required paving surfaces.

Commissioner Beyer indicated he had no major concern. Mr. Metzger said there would be another opportunity to govern activities on the site through the drinking water protection permit.

Responding to a question from Commissioner Kirschenmann, the applicant indicated that, depending on the size, the building could hold 12 cars. Cars were typically in the facility for 48 hours, although occasionally owners did not pick up their cars. After 30 days, those cars were transferred to a Eugene facility.

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

Commissioner Kirschenmann, seconded by Commissioner Moore, moved that the Planning Commission, based on the discretionary use criteria, to approve the application. The motion passed unanimously.

LEGISLATIVE PUBLIC HEARING

- **Springfield Development Code Amendments, LRP 2008-00011, City of Springfield**

The proposed SDC amendments address the following issues: Streamlining the Master Plan process; updating Fire regulations in the DWP Overlay District; and addressing additional scrivener's errors.

Planner Gary Karp provided the staff report. He first briefly reviewed the amendments before the commission. He then addressed questions raised at the commission's work session of September 16 about the change in review type. He referred the commission to Attachment 1 in the meeting packet materials related to the item and reviewed the justification for the change outlined in the attachment.

Mr. Karp noted the commission's questions related to the term "significant impact" as it regarded the establishment of limitations on the number of master plan modifications. He recalled that the commission thought it too vague, and said it had been deleted and replaced with text found on 4-20 that read "Proposed final master plan modifications other than those described in subsections A and B, above, shall require the submittal of a new Preliminary Master Plan application."

Mr. Karp recommended that the commission approve the amendments.

Responding to a question from Commissioner Smith, Mr. Karp said the City Council adopted the fees by resolution. The timing of the amendments and the fee updates were somewhat coincidental and staff was attempting to coordinate those processes. If the commission supported a lower fee for the Type II application as recommended, he asked that the commission direct staff to proceed with that.

Commissioner Moore asked how staff defined "complex." Mr. Karp interpreted it as a large amount of land, service delivery provisions, impact on residential uses, etc. He had attempted to be consistent with the language already in the code but staff would review the use of the word if the commission preferred. Commissioner Moore wanted to ensure that the definition was consistent.

Commissioner Beyer thought the amendments streamlined the process and made it clearer and easier for a property to owner. Mr. Karp concurred.

Commissioner Cross opened the public hearing.

Phil Farrington, Peace Health, 123 International Way, Springfield, expressed appreciation for Springfield's willingness to examine its own code to develop more efficient processes. He indicated he had submitted some e-mail comments to Mr. Karp for inclusion in the record and asked that the commission be provided that information.

Mr. Farrington suggested that the amendments to the code apply only to new preliminary master plans. He noted the extensive amount of time and effort that went into Peace Health's master planning process and the fact that master plan was vested. Mr. Farrington commended the requirement for a meeting between the developer and

neighborhood group, but pointed out many areas in Springfield did not have such organizations. He asked what the requirement would be in such a circumstance and what burden the applicant would bear in regard to notice. He asked the commission to consider notice examples from other communities to ensure the expense born by the applicant was reasonable.

Mr. Farrington did not think the master plan process should be considered as a supplemental to the site plan review process, which was required for subsequent developments in the master plan area, and asked the commission to consider the requirements that were made to ensure that Springfield was not requiring a “super site plan review” with another such review required later on. He thought the requirements should be suitable to the level of review. For example, he thought the requirement for architectural plans should be for conceptual architectural plans because of the expense of preparing architectural plans, and he believed that requirements for such things as on-site lighting plans should be addressed at the site plan review level.

Mr. Farrington referred to Section 5.13-120 of the code and the requirement that the applicant provide information about leasing. He suggested that the at the master plan level, that analysis was premature.

Commissioner Beyer pointed out to Mr. Farrington that in regard to his suggestion for conceptual plans, residents involved in the planning process would object if the plans changed. He suggested that sometimes it was just better to have the plot plans with the conceptual footprint rather than “pretty drawings.”

Mr. Farrington referred to Section 5.3-135 and questioned the reasoning behind the numerical standards. He recommended that the existing code be retained as the numerical standards were sure to have an unintended consequence. He noted the requirement related to modification to the master plan as a result of realignment of streets (B)(7) and asked what happened if the City required a realignment of the street; why should the applicant have to go through additional processes for something not of its own creation? He did not think that the text was necessary and said there were other ways through which the City could require certain modifications.

Mr. Farrington further argued that in terms of change of location of the primary structure, the key issue should be the footprint, mass, scale, and impact of the building. He said the commission should consider the level of specificity it wished to see at this level.

Referring to Section 5.13-140, Mr. Farrington suggested that the commission attempt to ensure that prior master plans were vested, and consider adding text to the section that stated “or as otherwise previously approved” to pay respect to the past process.

Rick Satre, Satre and Associates, 101 West Broadway, Eugene, agreed with Mr. Farrington’s remarks. He expressed appreciation for Mr. Karp’s outreach and said that many of his comments were incorporated into the document before the commission. Mr. Satre said the process outlined generally followed the process that his firm went through for the Marcola Meadows Master Plan. The existing ordinance was ambiguous in a few places. For example, the notion of a final master plan did not exist in that code. He thought the code modifications in that regard were a good thing and that they made sense.

Mr. Satre spoke to ambiguity in the proposed code language, saying it had been lessened from the first draft to the draft before the commission but some ambiguities continued to exist. He referred the commission to Section 5.13-105(B)(4), and the use of the phrase “incremental and cumulative impact,” and asked what was “incremental” and what was “cumulative.” Commissioner Beyer thought that the word “cumulative” could be justified and that perhaps “incremental” could be deleted. Mr. Satre said if the word “cumulative” was used, he wanted to know the threshold for when enough impact was accumulated to the degree special consideration was necessary. He suggested that the issue could be addressed through back and forth dialogue at pre-submittal meetings. He suggested that incremental impact was associated with the phases of development. For example, transportation would be incrementally impacted as more phases were developed.

Responding to a question from Commissioner Moore, Mr. Satre said he did not have text to recommend to the commission. He suggested that more thought be put into the provision. He believed that the text had been improved by Mr. Karp’s changes.

As another example of ambiguity, Mr. Satre referred the commission to Section 5.13-115(A)(1)(b). He said that while the ambiguity had been lessened somewhat from past drafts, some still existing in the reference to “other properties.” In other parts of the code, “affected properties” was used. He questioned what other properties were being referred to. Mr. Satre pointed out that in other parts of the code distance was used as a yardstick. He suggested that something similar be used in this section to place parameters on the concept of “other properties.”

Commissioner Beyer observed that master plans were generally only required for developments that were assumed to have a significant impact on their surroundings, which called into question the application of a specific distance requirement for “other properties.” Mr. Satre agreed. He said that an arbitrary 300 foot distance was not a good idea.

Mr. Satre posited the idea of an informal work group of staff and practicing planners to discuss the issue.

Mr. Satre spoke to the level of detail and specificity that the proposed ordinance required. He referred the commission to the Commentary accompanying Section 5.13-115, which discussed the difference between site plan review and master plan review by stating that the site plan review application required more specific information. He then referred the commission to Section 5.13-120(D), which called for a Stormwater Management Plan Diagram, and said it was difficult to develop a storm water management plan based on roof drainage patterns when one did not know what those patterns would be. He asked the commission to realize that a master plan was not a site plan. The purpose of the master plan was to address phasing beyond the allowed two years. It needed sufficient analysis and documentation to ensure that what was approved by the City was something that could be built and was not going to have unintended consequences. He thought the proposal went too far in that regard.

Responding to a question from Commissioner Beyer, Mr. Satre suggested that to be successful in the marketplace, it was likely a master plan would undergo more than one

modification. He apologized for having no text to offer to the commission. He emphasized that ambiguity caused anxiety for applicants, and the level of detail called for at the master plan level caused the applicant to make a greater investment at the master plan phase and repeated investment at later phases due to the modification process.

Commissioner Cross called for staff response.

Mr. Karp acknowledged Mr. Farrington's input, which was in the record, and indicated he had incorporated some of the suggestions in the ordinance, and Mr. Farrington might not have seen those changes yet. He referred the commission to Section 1.13-117, which reflected revisions made to the ordinance in response to Mr. Farrington's comments. The references to roads and building locations in the modifications section had been deleted. In addition, the reference to "conceptual" plans had been deleted. He agreed that there were additional opportunities to clarify the text and staff would work on that prior to the council hearing. He said that he was willing to meet with those offering testimony to discuss their issues. However, he believed that the City needed a certain level of detail for things such as stormwater conveyance in order to determine where the building areas were. Mr. Karp said there were tradeoffs made; for example, text specific to side lighting types had been deleted.

Commissioner Beyer determined from Mr. Karp that there was no rush to complete the ordinance and encouraged him to sit down with Mr. Farrington and Mr. Satre for one more review. He added that he would not mind seeing the comments that staff received and staff's response before the commission made a recommendation to the council.

Commissioner Cross endorsed the approach suggested by Commissioner Beyer. He commended the ordinance as well written but thought some good points had been made in testimony. He agreed with Commissioner Moore that the word "complex" was somewhat ambiguous and that it should be defined. Commissioner Beyer thought that would be a difficult definition to create. He suggested that ambiguity allowed for some discretion on the part of professional staff, and taking that discretion away could elongate the process.

Commissioner Cross asked Mr. Karp to speak to Mr. Satre's comments regarding City-initiated street realignment. Mr. Karp believed some text could be added to the ordinance to clarify that issue.

Commissioner Beyer, seconded by Commissioner Moore, moved to continue the public hearing until the first commission meeting in December, to keep the public record open, and to direct staff to meet with the interested parties, in particular the two parties who testified, to review further changes suggested to the code and return with a report on what was suggested. The motion passed unanimously.

BUSINESS FROM THE DEVELOPMENT SERVICES DIRECTOR

- Development Services Director Bill Grile was present to give the report.

REPORT OF COUNCIL ACTION

- None.

BUSINESS FROM THE COMMISSION

- Commissioner Beyer reported that he and Commissioner Kirschenmann had been attending the meetings of the Commercial, Industrial Buildable Lands Study Advisory Committee and the process was proceeding well. He encouraged commissioners to view the maps on the City's Web site and to offer comment.

ADJOURNMENT

- The meeting was adjourned at 8:30 p.m.

Minutes recorded by Brenda Jones, Transcribed by Kim Young