

MINUTES OF THE SPECIAL REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JUNE 28, 2004

The city of Springfield council met in special regular session in the Jesse Maine Room, 225 Fifth Street, Springfield, Oregon, on Monday, June 28 at 7:00 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken, City Councilors Fitch, Woodrow, Lundberg, Ballew and Ralston, Also present were Assistant City Manager Cynthia Pappas, City Attorney Meg Kieran, City Recorder Amy Sowa, and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

BIDS

1. Bid Award for Police Communications Grant.

Police Chief Jerry Smith presented the staff report on this item. In April of 2003, the Police Department applied for \$300,000 in Homeland Security Grants to upgrade the police radio system. The funding request was based on market research into the cost of microwave repeater systems. The intent of the grant is to install Microwave connections to repeater sites on Quarry Hill, a current repeater site and Coburg Ridge.

The department was awarded \$293,000 in Homeland Security Grant funding to improve the stability and interoperability of the department's radio communications system. The grant does not require matching funds from the city. After the award of the grant, the department contacted DAY Wireless to begin actual design work within the available grant budget.

Equipment purchased must be compatible with the existing Motorola Astro radio system, and DAY Wireless is the only local authorized Motorola dealer.

Using Motorola (and DAY Wireless) as the vendor will save about \$50,000 in project costs, as we will be able to reprogram some of the existing equipment to use in the new system. A different vendor would require purchasing additional equipment.

Finally, Springfield has the opportunity to join the City of Portland and Washington County Oregon Contract # 29763 with Motorola to purchase the equipment and services for the installation.

Councilor Ballew said in Washington DC, the county was looking for grant funds for communication. She asked if the county received any funding or if these repeaters would help them.

Mr. Smith said the county did not receive assistance for their system. It is a major project. It would not help the city if the county got the system immediately because the city would have to buy a lot of equipment to take advantage of it because it is a completely different kind of

operation. If the county were to go digital, they would have better interoperability between the City of Springfield and the City of Eugene. The current system allows Springfield and Eugene to hear the County, but we must know they are trying to talk back in order to receive them in return.

Mayor Leiken said the Federal Government allocates a certain amount of funding for each state for Homeland Security based on formulas, mostly based on population. Last year, Oregon received about \$45M in Homeland Security Funds. That leaves the state about \$50M short. Homeland Security wants the funds channeled appropriately through the state and the committee Mayor Leiken serves on then makes recommendations on disbursement of that money.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO APPROVE THE BID AWARD FOR DESIGN AND INSTALLATION OF A GRANT FUNDED MICROWAVE BASED RADIO REPEATER SYSTEM, NOT TO EXCEED \$293,000 TO DAY WIRELESS. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST.

Mayor Leiken officially welcomed County Commissioner Peter Sorenson to the council meeting.

BUSINESS FROM THE CITY MANAGER

2. Council Initiation of an Amendment to the Metropolitan Area General Plan (Metro Plan) Text and Diagram and Gateway Refinement Plan Text and Diagram (PeaceHealth)

Mayor Leiken clarified that tonight was not a public hearing. There will be many opportunities for citizens to speak at public hearings on this item in the future.

Planner Colin Stephens presented the staff report on this item. PeaceHealth has requested that the City Council initiate Metro Plan text and diagram amendments and Gateway Refinement Plan (GRP) text and diagram amendments to respond to the recently released Oregon Court of Appeals decision on the PeaceHealth Metro Plan and GRP amendments approved by the council in April of 2003.

On April 21, 2003 the City Council approved Metro Plan diagram and GRP diagram and text amendments to allow PeaceHealth to submit permit applications necessary to site a regional hospital, medical office buildings and a mixed use retail area at the McKenzie Gateway Medium Density Residential Subarea (Gateway MDR Site). The council's approval was appealed to the Land Use Board of Appeals and to the Oregon Court of Appeals. The Court of Appeals ultimately ruled that the Medical Services (MS) zoning district applied to the MDR Metro Plan designation was not suitable to accommodate PeaceHealth's proposed hospital. The attached plan amendments respond to the Court of Appeals' decision by applying a commercial plan designation in areas where the hospital will be developed.

If the proposed plan amendments are approved by the City Council, they will replace the two previously approved plan amendment ordinances that are currently under appeal.

Mr. Stephens said tonight's initiation is not to change the master plan in any way. He explained the issues the Court of Appeals ruled against the city regarding Goal 9, Economic Development and Goal 12, Transportation. Specifically, LUBA ruled that the Transportation Planning Rule (TPR) requires the city to show not even a temporary degradation of level of service at any transportation facilities for the entire planning horizon. In this case, that would include fifteen

years. LUBA also ruled that the city did not include sufficient Goal 9 findings to show how the PeaceHealth proposal conformed with the Springfield Commercial Lands Study, specifically some implementation actions within that document.

The LUBA decision was appealed to the Oregon Supreme Court. The Oregon Supreme Court issued their decision on June 9, 2004. In addition to upholding those two assignments that LUBA ruled on, the court added an additional point that the city could not rely on the Medium Density Residential (MDR) plan designation to apply the medical services zoning district and to site the hospital upon that site.

Mr. Stephens said in response to these three points, the City Council is asked to initiate new Type II plan amendments. Both LUBA and the Court of Appeals found in favor of the city that plan amendments and decisions relating to Metro Plan diagram and Metro Plan policies that are site specific, in this case the Gateway MDR subarea that are entirely in the city limits, are within the sole jurisdiction of the City of Springfield. These new amendments are as follows: 1) an amendment to the Metro Plan diagram and the Gateway Refinement Plan diagram to re-designate approximately ninety-nine acres of MDR land to a combination of Mixed Use (MU) and Community Commercial (CC); 2) to add a site specific Metro Plan policy that recognizes the Gateway property as an appropriate area for medical, commercial and residential uses; and 3) amend the Gateway Refinement Plan consistently with the plan amendments that were approved by the council in April 2003 except for the consideration that the ninety-nine acres would be a combination of MU and CC and not Commercial and Residential, as the previous iteration reflected.

Mr. Stephens said the applicant had also submitted recently a letter to the city requesting the Springfield Commercial Lands Inventory be amended to add an implementation strategy that recognizes the development of the regional hospital at the Gateway MDR site. Mr. Stephens entered that letter into the record.

Mr. Stephens said a recent staff review of Article 22, the Medical Services Zoning District, indicated that amendments to that zoning district are desirable in order to apply the district at this site to accommodate the PeaceHealth proposal. These five items will address the Goal 9 issue and the issue of the residential versus commercial plan designation. The Goal 12 issue will be addressed in findings of fact that will accompany the plan amendments if council approves them. The findings will be specifically to the LUBA and Court of Appeals rulings on that issue.

Mr. Stephens said in summary, council is asked to initiate Metro Plan and Gateway Refinement Plan Text and Diagram amendments to redesignate MDR property to a combination of CC and MU to allow for the development of the Gateway MDR site with a regional hospital commercial and residential uses. Council is further asked to initiate an amendment to the Commercial Lands Study to assess the need for adequate commercial land at the Gateway MDR site and to amend Article 22 as appropriate to allow for a regional hospital at the Gateway MDR site. If council approves this motion tonight, staff will begin notification protocols to the state and schedule public hearings before the Planning Commission for recommendation, possibly near the end of the summer, and then to City Council later in the fall.

Councilor Ralston asked if Goal 9 was Economic Development and what LUBA's objection was regarding this Goal.

City Attorney Meg Kieran said the Springfield Commercial Lands Study states that ten to fifteen acres in the Gateway MDR site should be designated commercial. LUBA said the city did not need to do anything other than make some findings.

Mr. Stephens said the Commercial Lands Study is the city's analysis and implementation strategy for Goal 9.

Councilor Fitch said tonight's action would just be to initiate the plan amendments. It would then go before the Planning Commission for one or more hearings and then to the City Council public hearings.

Mr. Stephens said that is correct. If council approves going forward, staff will move forward with the necessary notification, analysis and will hold public hearings with an opportunity for the public to provide both oral and written testimony.

Councilor Ballew said the text refers to what council approved originally.

Mr. Stephens said he thought it best to use the original as the base case.

Councilor Ballew said it reads better this way.

Mayor Leiken thanked Jon and Robin Jacqua for attending tonight. The Jacqua's have had continued conversations with PeaceHealth and he hopes they continue to have those conversations. He appreciates their willingness to meet with PeaceHealth. The Jacqua's have been outstanding citizens in the community for a long time and are highly respected by himself and the council.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILOR BALLEW TO INITIATE METRO PLAN TEXT AND DIAGRAM AMENDMENTS AND GATEWAY REFINEMENT PLAN TEXT AND DIAGRAM AMENDMENTS TO REDESIGNATE 99 ACRES OF MEDIUM DENSITY RESIDENTIAL (MDR) PROPERTY TO A COMBINATION OF COMMUNITY COMMERCIAL AND MIXED USE TO ALLOW FOR THE DEVELOPMENT OF THE MCKENZIE GATEWAY MEDIUM DENSITY RESIDENTIAL SUBAREA WITH A REGIONAL HOSPITAL, COMMERCIAL AND RESIDENTIAL USES AND TO INITIATE AN AMENDMENT TO THE SPRINGFIELD COMMERCIAL LANDS STUDY TO ASSESS THE NEED FOR COMMERCIAL LAND AT THE GATEWAY MDR SITE AND TO AMEND ARTICLE 22, MEDICAL SERVICES ZONING DISTRICT AS APPROPRIATE TO ALLOW SITING OF THE HOSPITAL AT THE MCKENZIE GATEWAY MEDIUM DENSITY RESIDENTIAL SUBAREA. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 1 AGAINST (RALSTON).

Councilor Ralston asked if he should give his opinions at this time.

Mayor Leiken said there would be opportunity for council to express their opinions on this during the public hearings.

ADJOURNMENT

The meeting was adjourned at 7:15 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder