

MINUTES OF THE SPECIAL WORK SESSION OF
THE JOINT SPRINGFIELD CITY COUNCIL/
SPRINGFIELD PLANNING COMMISSION HELD
MONDAY, NOVEMBER 16, 2004

Minutes of the Special Work Session of the Joint Springfield City Council/Springfield Planning Commission held on Monday, November 16, 2004, at 6 p.m.

ATTENDANCE

Present were Mayor Sid Leiken, Anne Ballew, Dave Ralston, Christine Lundberg, John Woodrow, Joe Pishioneri, City Council; Steve Moe, Chair; Bill Carpenter, David Cole, Frank Cross, Gayle Decker, Greg Shaver, Springfield Planning Commission

ABSENT: Tammy Fitch, City Council
Lee Beyer, Springfield Planning Commission.

STAFF: City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, Colin Stephens, Mel Oberst, Nick Arnis, Gary McKenney, City Attorney Meg Kieran, Ken Vogeney, Al Gerard, Linda Pauly.

1. PEACEHEALTH PLAN AMENDMENT REMAND

The council roll was called.

Mr. Moe joined the meeting via speaker telephone.

Mr. Stephens indicated the work session was dedicated to a review of the PeaceHealth plan amendments and was an opportunity for the council and commission to ask questions of staff. He asked City Attorney Meg Kieran to discuss the significance of the remand of the council's April 2004 decision, and the action the council and commission were being asked to consider at this time.

Ms. Kieran reported that the Land Use Board of Appeals (LUBA) remanded the council's decision regarding the PeaceHealth plan amendments, and returned it to the City for further action based on the direction of the Court of Appeals. The Court of Appeals remanded the matter to LUBA, and LUBA determined that a remand to the City rather than reversal of the council's April 2004 decision was appropriate as the court expected the City to be able to make findings responsive to its bases for remand. Thus, a number of the provisions of original plan amendments were not in violation of the law. Ms. Kieran clarified that no party can challenge the provisions of the original plan that were either not appealed or that survived the first appellate challenge. Only provisions subject to the remand could be appealed further.

Ms. Kieran briefly noted the three appeal issues under consideration, indicating Mr. Stephens would review the City's responses: 1) the plan designation; 2) the Transportation Planning Rule (TPR); and 3) findings related to Goal 9.

Ms. Kieran called attention to a memorandum to the two bodies outlining the hearing process.

Ms. Kieran asked that questions be reserved until the end of the hearing; written answers would be provided if the question could not be answered at the hearing.

Ms. Ballew asked questions clarifying who was party to a possible appeal and potential timelines.

Ms. Kieran indicated the courts would only see the matter if appealed again by a party of record. Those wishing to appeal must file an appeal within 21 days of the City Council's final decision.

Mr. Stephens discussed compliance with the TPR. He said previous to the court's decision, municipalities considered plan amendments by comparing the transportation impacts of a plan amendment to the infrastructure in place at the end of the planning horizon. If the mobility standard at all intersections was acceptable, the application met the rule. The court ruled that the City could not consider just the end of the planning horizon but must examine points in between now and that horizon and demonstrate that there was no temporary degradation to the transportation system. To address the issue, PeaceHealth submitted an additional transportation impact analysis (TIA) identifying the impact at several "snapshots in time": the years 2008, 2010, and 2020.

Mr. Carpenter requested that the council and commission receive copies of the supplemental TIA prepared by PeaceHealth.

Mr. Carpenter asked if the court opinion was included in the public record. Ms. Kieran indicated that any material submitted by the public would be included in the record. She said no problem with including the court opinion in the record. All the information from the prior proceedings was included in the record. Mr. Stephens indicated he had seen a public request for the inclusion of that information and agreed it could be included in the record.

Mr. Carpenter suggested those testifying would not be able to comment on the entire record. Ms. Kieran pointed out the record was not complete until the record closed. Mr. Stephens indicated the public record would be available for public review and comment. He reviewed the extent of the record available to this point. He said that he would introduce the entire record of the previous proceedings in the public record at the commencement of the public hearing.

Continuing with his explanation of the way PeaceHealth proposed to comply with the court ruling, Mr. Stephens said PeaceHealth had refined its incremental approach to meet the new interpretation of the TPR. To comply with the rule, PeaceHealth proposed to phase its development so that it occurred only when sufficient transportation facilities were in place to serve the development. Development would coincide with the construction of infrastructure. The TIA demonstrated that improvements to the Oregon Department of Transportation facility at I-5 and Beltline would be needed prior to the completion of the first phase in 2008.

Mr. Stephens briefly reviewed the phasing schedule. He noted the changes that had been made to Gateway Refinement Plan (GRP) Residential Element Policy and Implementation Action 13.7

and the conditions of approval as a result. Mr. Stephens noted no change to condition 2, and said condition 3 was being amended to make the development phasing clear.

Mr. Cross asked if traffic would be limited by limiting development. Mr. Stephens said yes. Each phase of the development would require a new application and a new transportation analysis demonstrating how many trips the phase of the development would produce. He likened the approach to a trip ledger, and confirmed that the City would monitor trip use.

Responding to a question from Mr. Ralston about the proposed zoning, Mr. Stephens said that PeaceHealth's approach was being changed because of the court decision, which stipulated the hospital needed to be built on commercially designated land. Formerly, the hospital had been located on residentially designated land with the Medical Services (MS) zone applied. Because of the court decision, the residential land in question would be redesignated to Community Commercial (CC) to accommodate the MS zoning. The area formerly proposed for commercial was now proposed for Mixed-Use zoning. Mr. Ralston asked what happened to the residential acreage. Mr. Stephens reminded him that in the master plan, the area in question was shown as a hospital. The area to the north would remain residential and would contain about 650 residential units. There would also be residential development in the southern part of the site. Mr. Stephens clarified that the intent of the actions in regard to the remand was to allow the master plan as proposed to proceed unchanged.

Responding to a question from Mr. Ralston regarding the focus of the trip cap, Mr. Stephens said that the trip cap applied only to the PeaceHealth development. Development of the residential area did not affect the trip cap.

Mayor Leiken determined from Mr. McKenny that no trip cap had been placed on the Sony development.

Mr. Carpenter believed construction traffic needed to be accounted for in the period between 2008 and 2010 and asked if construction vehicle trips were counted as peak hour trips. He was also concerned about the years 2006 to 2008 and wanted a legal opinion about how the traffic was counted. Ms. Kieran responded that the text of the TPR addressed the issue of what impacts the change in land use has on planned transportation facilities. The decisions of which she is aware interpreted the language that referred to land use were talking about the use that the planning designation conferred upon the land. She had not seen a decision that talked about a land use in terms of the start-up use. There was no Oregon case law giving it that interpretation or any case law that addressed the issue at all that she was aware of.

Mr. Carpenter said if the City was trying to keep congestion down in the Gateway area, he thought construction traffic should be included in the trip cap.

Speaking to Mr. Carpenter's question regarding construction traffic, Mr. McKenny reminded the commission and council that it was discussing a plan amendment rather than an application to build a hospital. Consideration of construction traffic on the actual development of the land subject to the plan amendments did not really fit in the context of what the two bodies were doing. It was not pertinent to the plan decision. However, that did not mean the City did not address the issue of construction traffic and how it reached the site safely.

Mr. Stephens noted a slight change to Condition 4. He said the decision included language that placed a date on when the approval of the master plan must take place, that of May 29, 2007. Because of the time that had passed, that date had been extended an additional two years. Responding to a question from Mr. Shaver, Mr. Stephens indicated the annexation agreement would be amended as well.

Mr. Stephens called attention to new Condition 5, impelled by the Court of Appeals decision.

Mr. Stephens called attention to new Condition 6, also impelled by the court decision, and said it was an assurance of concurrency. Mr. Shaver determined from Mr. Stephens that the reference to the land use approval was to the site plan approval, which was subject to revocation. The condition placed some teeth to that.

Mr. Carpenter asked about the possibility of including a penalty clause in the condition, such as a monetary penalty per day, if the hospital facilities were not ready to be opened by 2008. Mr. Stephens said that the City would know months before time if that was the case, and that might be a method the City pursued. It was difficult to project at this point what type of mediation was appropriate when the facts of the case were unknown.

Ms. Kieran noted the reference in the condition to the City's enforcement and revocation proceedings was a general code enforcement provision, and in the past under that authority the City had employed fines as one enforcement method.

Mr. Cole arrived.

Mr. Carpenter determined from Ms. Kieran that the fines she mentioned were not spelled out in the code; the code contained a menu of options, and that included the potential of State remedies.

Mayor Leiken questioned whether such fines could be a Ballot Measure 37 issue in the future.

Mr. Stephens noted additional information provided to the council and commission in regard to two issues discussed at the work session, the Eugene-Springfield Metropolitan Area General Plan Diagram, and State Goal 9. Regarding the Plan Diagram, Mr. Stephens said that the court ruled that siting the hospital in the MS district applied to the Medium Density Residential (MDR) designation was not consistent with other Metro Plan policies, and that the hospital should be on land designated for commercial use. Subsequently, staff had applied the Community Commercial plan designation in the place of the MDR designation.

Speaking to the Goal 9 issue, Economic Development, Mr. Stephens said that LUBA indicated the City must "connect the dots" between the Springfield Commercial Lands Study (SCLS) and the action under consideration. To that end, staff proposed to revise SCLS Implementation Strategy 1-B(2) to state that the redesignation of the property in question helped to implement the SCLS.

Responding to a question from Mr. Shaver, Mr. Stephens said the City's SCLS recommended ten to fifteen acres of commercial land on this site. Mr. Shaver asked where acres of commercial were being reduced. Mr. Stephens said it was not being reduced as the SCLS indicated a deficit of such land existed in the community.

Mr. Ralston asked if the City had a shortage of MDR zoned land. Mr. Stephens said no. He pointed out that the Residential Lands Study assigned 650 dwelling units to the area, and a policy in the refinement plan required the same density to be part of the master plan, so there was no loss of density. He reminded Mr. Ralston that there were challenges to the original decision in regard to Goal 10, Housing, but the City prevailed.

Mr. Carpenter asked how the trips were calculated for the proposed Royal Caribbean development. Mr. McKenny said that it was modeled based on the zoning that exists right now, which was not being altered. The zoning in question was Campus Industrial.

Mr. Ralston referred to Attachment 3-1 and asked why GRP Residential Element Policy and Implementation Action 12.0 had been revised to eliminate historic properties. Mr. Stephens said it was because there were no historic resources in the area.

Mr. Ralston complained that he was unable to discern between what had been changed for this process and the previous process. It appeared to him there were other changes being “slid in” that the council had not talked about. Mr. Stephens said he would produce a redline version of what was approved originally so the council and commission could compare what was being proposed to respond to the remand.

Mr. Carpenter determined Mr. Moe had no questions.

Mr. Carpenter asked the City procedure in regard to e-mails with no addresses. Mr. Stephens said he requested that information from those parties sending e-mail testimony, and if he received no response entered the e-mail address into the interested parties list. He did not know the legal requirements related to the receipt of e-mail testimony.

ADJOURNMENT

Mayor Leiken adjourned the Special Work Session at 6:58 p.m.

Minutes Recorder – Kim Young

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder