



Planning Commission Agenda

Development and Public Works Director,
Len Goodwin 541-726-3685
Current Development Manager:
Greg Mott 541-726-3774
Management Specialist:
Brenda Jones 541.726.3610

City Hall
225 Fifth Street
Springfield, Oregon 97477
541.726.3610
Online at www.springfield-or.gov

Planning Commissioners:
Greg James, Chair
Nick Nelson, Vice Chair
Johnny Kirschenmann
Steve Moe
Stacy Salladay
Tim Vohs
Denise Bean

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available. To arrange for these services, call 541.726.3610.

Meetings will end prior to 10:00 p.m. unless extended by a vote of the Planning Commission.

All proceedings before the Planning Commission are recorded.

July 29, 2014

**6:00 p.m. Regular Session
Council Chambers**

CONVENE AND CALL TO ORDER THE CONTINUED REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION

ROLL CALL – Chair James _____, Vice Chair Nelson _____, Kirschenmann ____, Moe____, Salladay____, Vohs _____, and Bean _____.

PLEDGE OF ALLEGIANCE

ADJUSTMENTS TO THE REGULAR SESSION AGENDA

In response to a request by a member of the Planning Commission, staff or applicant; by consensus

PUBLIC MEETING

PUBLIC MEETING –

Appeal of a Director’s Decision for Laurelwood Subdivision Continued from July 15th Public Hearing and July 22nd Continued Meeting – On July 22nd, the Commission voted to hold the record open an additional two days until July 24th at 5:00 pm in response to a request to extend the record to allow additional written comments.

**Staff: Mark Metzger
10 Minutes**

CONDUCT OF QUASI-JUDICIAL PUBLIC HEARING BEFORE THE PLANNING COMMISSION

THE PUBLIC HEARING IS CLOSED, THE WRITTEN RECORD IS CLOSED. STAFF WILL SUMMARIZE THE TESTIMONY THAT HAS BEEN ENTERED INTO THE RECORD OF THIS APPEAL. BEFORE THE PLANNING COMMISSION DELIBERATES ON THIS MATTER, THE APPLICANT WILL BE ASKED IF THEY WOULD LIKE AN EQUAL AMOUNT OF TIME TO RESPOND TO THE TESTIMONY ENTERED INTO THE RECORD DURING THE LATEST EXTENSION. IF NO REQUEST FOR EXTENSION IS MADE THE PLANNING COMMISSION SHALL CONSIDER ALL OF THE EVIDENCE SUBMITTED INTO THE RECORD OF THIS APPEAL AND MAKE SUCH DELIBERATION AS IS NECESSARY TO CONCLUDE THIS MATTER BY EITHER MOVING TO APPROVE, APPROVE WITH MODIFICATIONS, OR DENY THE DECISION OF THE DIRECTOR APPROVING THE LAURELWOOD SUBDIVISION

- ~~Staff explanation of quasi-judicial hearing process (ORS 197.763)~~
- ~~Chair opens the public hearing~~
- ~~Commission members declaration of potential conflicts of interest; disclosure of "ex parte" contact~~
- ~~Staff report~~
- ~~Testimony from the applicant~~
- ~~Testimony in support of the application~~
- ~~Testimony opposed to the application~~
- ~~Testimony neither in support of nor opposed to the application~~
- ~~Summation by staff~~
- ~~Rebuttal from the applicant~~
- ~~Consideration of request for continuation of public hearing, extension of written record, or both~~
- ~~Close or continue public hearing; close or extend written record (continuance or extension by motion)~~
- Planning Commission discussion; possible questions to staff
- Motion to approve, approve with conditions, or deny the application based on the information contained in the staff report, oral and written testimony, and all other evidence submitted into the record
- Final Order signed by Chair incorporating findings and reasoning to support the decision

REPORT OF COUNCIL ACTION

BUSINESS FROM THE PLANNING COMMISSION

- Upcoming Planning Commission meetings, committee assignments, appointments or other business

BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DIRECTOR

ADJOURN REGULAR SESSION OF THE SPRINGFIELD PLANNING COMMISSION

COMMUNICATION MEMORANDUM

Meeting Date: 7/29/2014
Meeting Type: Regular Meeting
Staff Contact/Dept.: Mark Metzger/DPW
Staff Phone No: 541-726-3775
Estimated Time: 60 Minutes
Council Goals: Mandate

**SPRINGFIELD
PLANNING COMMISSION**

ITEM TITLE: APPEAL OF A DIRECTOR'S DECISION FOR LAURELWOOD SUBDIVISION CONTINUED FROM JULY 15TH PUBLIC HEARING AND JULY 22ND CONTINUED MEETING.

ACTION REQUESTED: The Planning Commission is requested to consider the staff report and all other evidence submitted into the record; make a decision to affirm, modify or reverse the Director's Decision; and adopt findings in support of that decision. The decision should include consideration of all new evidence that addresses the criteria of approval for subdivision tentative plans as found in SDC 5.12-125; these criteria are included in the staff report. As part of its decision, the Commission may add, modify, or remove conditions of approval.

ISSUE STATEMENT: On July 22nd, the Commission voted to hold the record open an additional two days until July 24th at 5:00 pm in response to a request to extend the record to allow additional written comments. The attached documents were received during the record extension. The Commission has the responsibility under SDC 5.3-115 (E) to make a final decision on the proposed Laurelwood Subdivision.

ATTACHMENTS:

1. E-mail submittals from Tamie Yarnall, Appellant
2. "Reply to the City of Springfield's Appeal of Director's Decision..." Barbara Parmenter
3. Letter from Wayne and Joyce Estabrook
4. Letter from Curt Lantz
5. Memorandum from Michael Liebler, Transportation Planning Engineer

DISCUSSION: Concerns received from residents during the comment period have centered on the impact of extending Ivy Street to connect to the proposed subdivision. Part of the concern is with the intersection at S. 55th Place and Glacier Drive. The City's Transportation Planning Engineer has included a memorandum addressing all of the issues included in the testimony identifying the safety of the intersection (Attachment 5).

The letter from Wayne and Joyce Estabrook express concerns that the City will require them to remove a berm on their property at the corner of S. 55th Pl. and Ivy (Attachment 3). This subdivision decision does not require removal of the berm. As with any other corner in the city, property owners are required to maintain visual clearance near street corners for safety at intersections.

Mr. Lantz expresses his concern about the capacity of existing streets to support fire trucks (Attachment 4). Condition of Approval #14 is a standard condition requires new streets to be built to support an 80,000 lb. load. Staff contacted Battalion Chief Leo Giles regarding the issue. Chief Giles knew of no problems with trucks being able to respond to calls on Glacier Drive or on S. 55th Place. The required load rating for new streets reflects the weight of the heaviest apparatus types. These vehicles seldom respond to residential calls.

From: TamieY [<mailto:tamiey@aol.com>]
Sent: Thursday, July 24, 2014 3:59 PM
To: METZGER Mark
Subject: First Face to Face with Jesse

July 24, 2014 - 4:00pm

To: Mark Metzger and The Springfield City Planning Commission
From: Tamara A. Yarnall
996 S. 55th Place
Springfield, OR 97478
541-741-3222

FIRST AND ONLY FACE TO FACE MEETING WITH JESSE LOVRIEN

Jesse Lovrien called me out of the blue around 2:30 on Wednesday July 8. I remember the time pretty well because I was not dressed and he said he was at Barbara's driveway and had a couple of hours before he needed to leave back for Portland. He said he had just finished meeting with the BPA (Luke Kinch) and a couple of city planning division employees. He said he was headed to an appointment with one of the other neighbors. I asked him which one and he said the people on the other side of the property. I asked him if I could go with him he said yes and I asked him to give me a half hour to get dressed. I suggested he visit Barbara while I was dressing as I was sure she was home and they both had mentioned they kept missing each other.

He came more quickly than I expected saying Barbara was not answering her door. He said since she would not talk to him "it was sure going to be a surprise when she woke up one day to all the trees gone around her home". I told him I was ready to go with him to meet with the other neighbor and he said he had just cancelled the meeting with the other neighbor so he could spend all the time with me. He asked me if I knew what the other neighbor was concerned about and I told him it was probably about the trees as they had purchased the land next to Barbara and the trees thinking they would be in a forest for the rest of their lives. Now they were pretty upset to find out the trees were all coming down around them.

I asked him why he was in town today? Besides the meeting with the other neighbor he said they had recently realized the soil under the towers was indeed a slide area and so they had just today revamped the building plans to take away the water lines from under the towers and pipe the water away from the retention pond instead of hooking it up to the sewer system at Ivy and South 55th. Which meant it was highly likely we might not be able to get the extra water pressure he had promised me a few weeks earlier for the neighborhood for around \$2,000 to hook up to the system. Earlier he had said it was just a few feet of pipe and he would be happy to pay for the engineering cost. Because of the "slide problem" he said he had misquoted me and it would now probably be more like \$20,000. I told him I had indeed called SUB like he suggested and that they had told me it was a quick and easy hookup and it seemed like it was the right time to do it.

But, since I had sent the letter saying I had Barbara's Geological study which said there should be NO WATER under the power towers he agreed inferring Branch Engineering had just told them it was a slide area as well. He also said they were now going to put a liner in the water retention pond to protect the land under the power towers. He wanted me to know they were listening to what the neighborhood was saying and led me to believe he would be the white knight in shining armor at the hearing. It felt like to me he was trying to fix all of my Appeal Hearing concern points BEFORE the hearing so he could LOOK GOOD to the Planning Commission. I asked him about what if the rains came like they could and fill up the retention pond. He diverted my question and said that I needed to remember there would be two ponds and the bigger one was at the other end of the land. I asked him about Earthquakes and told him I knew we experienced them here on the hill because my house had cracks from them. He never did answer that question.

I told him how Barbara's trees had slid down the hill one winter because she had a small leak in her water pipes. She had told me there was no water showing on the ground anywhere but her water bill was extremely high. She said she had looked and looked and one day she found her trees had slid down the cliff. I told him I could not believe he was still planning on putting a water retention pond under the power towers and how it seemed pretty dangerous still even with a liner.

We met primarily across the dining room table except for when I gave him a back yard tour to show him my and his property line and tried to beg to save my two holly trees that had been planted by the original owners on the other side of my fence. I told him the previous owners had leased the land from Barbara Parmenter for about ten years so they could have a vegetable Garden, blackberries and some "sun" flowers since my yard was primarily a shade yard. He told me he would be glad to use his equipment to dig them up and transplant them for me wherever I would like. I thanked him and said I don't have anywhere to place plants that need "sun" and talked about the possibility of maybe planting them in the neighbors yard next door.

I told him I thought it was pretty sad that he seemed to think everything on their property had to be leveled to the ground. He said there was going to be a city required home owners association because of the retention ponds and they would be required to mow the land once a year. They would have a manager who would report to Jesse. I laughed and said that was a joke because that meant we would still be up to our eyeballs in blackberries and weeds if they only mowed once a year.

We spent a lot of the discussion time with me trying to talk him into saving trees around each of the 65 houses like Barbara had with our subdivision back in 1979. I told him there had been a forest where our subdivision was as well. I told him I had spent a considerable amount of time plotting each and every single, double and triple trees in our entire subdivision and that none of the 53 trees had ever

fallen down due to wind problems. They had only been cut down by people who moved in from CA and didn't understand "Old" fir trees had tap roots. Yes, small shallow ball roots on younger trees but also a tap root that dives in and holds older trees from wind and rain storms.

I talked with him about not using Ivy Street as the thorough fare from his subdivision through our subdivision to get to Albertsons, Safeway, Burger King, etc. I told him he was just giving us a line telling us that the subdivision would divide and half would go out Mt. Vernon. He even led me to believe I was right when I told him most women would go the quickest way in their mind when going shopping and being in a hurry and that they would ALL end up going out glacier instead of the long way around using Mt. Vernon. He told me that I was "right that Glacier COULD be built safely but it would cost him too much money. Any extra cost makes the cost of the houses go up". He told me he was willing to build up and extend Glacier St. but the city had insisted he use Ivy St.

He told me Barbara was telling a lie about not being able to have a lawyer represent her in the state of Oregon. He said she had just as much right as anybody else. He said he had been following Barbara's appeal process for a very long time and had waited until she had run out of all options of getting back her property. He then came in and purchased the property from Umpqua Bank. He said even if Barbara did win a case against Umpqua Bank for illegally taking her property, it didn't even matter because he would still keep the property and she would just get paid off by Umpqua. He told me the "TOASTER STORY" so I would understand it better. He said if someone has a toaster for sale and you go to purchase it from them, so long as you ask them if it's a stolen toaster and they say no, then that let's you off the hook and you can then purchase the toaster forever.

He said she had been telling people that Hayden Homes had stolen her property from her and how awful Hayden Homes was. He said she had turned our neighborhood against him. In reality we didn't even know Barbara was even living at the home for the last year and a half. She had been leading a very quiet life. I don't believe she had been talking to anyone in the neighborhood. We did not even know she had lost the property until the notice came from the City of Springfield saying that Hayden Homes was building their 65 home development.

During that meeting with Jesse I mentioned that Mark Metzger had sent the Tree Felling letter saying "some" of the trees were being removed from the property. I told him I called right away asking about what "some" meant on April 22nd and that Mark said he had supposedly just talked to a forest guy who told him the trees would be dangerous from wind blow so the "majority of trees were going to have to be cut down except for a few at the south west end". I told him how I had said to Mark that he misrepresented to the neighbors the gravity of the situation and that he had probably known before mailing the letter that the majority would supposedly have to come down and that he had said "some" so the neighbors would not cause a stir about the tree felling application. In reality that is exactly what happened, the neighbors did not write about the trees because they were told in the letter it would only be "some". Only a very small handful of neighbors went to the public meeting so only a handful of neighbors knew the majority of trees would be coming down.

I accused Jesse of planning on clear cutting in reality and he agreed with me saying "it would be to cost prohibitive to work around trees as they would slow the process down. He said they would "plant the two required trees in the front yards at the end". He said if he were "forced to work around trees then the cost of the homes would be much higher and they would not be affordable for people who make \$40,000 a year". I said he had got the tree permit in a very slimy way. I told him not only had I been very clear with Mark Metzger about my intention to write about the trees when I called him right after I got the notice but that a few other people had written about the trees as well. Jesse said I have a tree permit and "you are not going to stop that by asking for a hearing". He said the only reason he had not cut the trees earlier is because it would make the neighbors unhappy and they would all end up in the hearing. He told me he did not want anybody at the hearing so it would go much smoother for him. (That is when I got the idea about going around to all 53 homes and telling the neighbors that he was indeed clear cutting ALL of the trees and to get a petition signed for us to have our rightful Tree Hearing that we were denied. All 77 people were furious about the Trees!

I asked him if he had considered purchasing the house that was for sale on 57th street. I showed him the springfield conceptual map and showed him that was the exact location they had on their map for a future road. I showed him how easy it would be to connect to his property thru the LLGains property and the one other couple's corner of their acre lot. I mentioned how it would be really cool for them because they could build a house and make money and also get paid for selling their little corner of their lot. Also how it would be great for LLGains because they would have two outlets to their property then. He told me they had not purchased the LLGains portion of Barbara's property because it was land locked. He said I thought like a developer and it was good but I needed to understand that it would take 6 months to get that all straightened out. He would have to go thru the same process as what he was now going thru. He told me he wanted to have his homes available to live in by the first of December and the only way that would happen is using Ivy Street because it was basically already built and ready to go. I mentioned wouldn't it be better to build during the fall because then they would get an idea of how much water is really on this hill. It would show them the problems instead of building in the summer and then finding out after it was all built there were things they hadn't taken into consideration about the land that We who lived on this hill and dealt with all of the water on a constant basis already knew.

I had talked with him on the phone for a couple of hours a few weeks before this visit and told him I had been scalped by an industrial fan at Sheldon High School. I had told him how I had spent 6 years in the hospital and two years in the care facility because MRSA staff had got in my skull in the emergency room. I told him I had just got home for about three months and my head had finally just healed over after 8 years and that I had tripped and fallen over a curb and broke both knee caps, wrists, my tail bone and had torn my left shoulder all apart. After that fall I had gone to Florence, OR for the last three years to heal at the coast cabin my parents owned.

During the visit he brought up the fact that I was disabled and that this process had been very hard on me. He said he knew what he was doing because he did it for a living and frankly I was going "to lose anyway so I might as well drop the case and stop myself from the heartache I was going to feel after the hearing". He told me that if I dropped the hearing I would then make his life much easier because Barbara Parmenter would then be out of his life for good. He explained her intervention was hooked to my hearing so if I went away she went away. He then said but he also understood that if I needed to continue the hearing it was ok because I did "have the

right to be heard". He told me the next time he saw me he would not be so nice to me like he had been during this meeting. He said he had a job to do and that was to make money making and selling homes. He said he was also due to take his law exam very soon. He had been going to law school to become even smarter at making and selling homes.

He told me I had already cost him a full month of his schedule. At one point he even told me if the hearing were to go on as planned and if Barbara thought she was going to try and slow down the process, He said if she makes me lose any more than this month that you have already cost me he would then bring out "THE BIG GUNS". He said he liked me and said I had been nice to him during the process, but "Barbara had done nothing but piss him off. I'll not be slowed down any more", he said.

Jesse told Tamie he firmly believed he would have Mt. Vernon as the primary entrance by December 1st. Because he believes the county annexation process will be over any day now. He told me they put a request in to annex the county into the city at least 4 months ago. So at the hearing they tried to make the city planning commission believe they did not have a road to use except for IVY. By the time the subdivision is ready to go on the market for sale they will have the Mt. Vernon entrance built and ready to go (by DEC 1st) There is no reason why Ivy should even be used other than to "HELP" sell homes.

Tamie asked Jesse if at the end of all of this they could put the posts across Ivy St. that break away for fire trucks (COMPROMISE use Ivy St. until they have another entrance). He said NO because Ivy Street was going to make it easy for him to sell homes quickly because everyone would see they could get to Albertsons, Safeway, and Bob Straub quicker that way then going around Mt. Vernon which would take longer.

Using Ivy street disrupts an entire subdivision where using 57th possible entrance doesn't upset anyone and there are no power towers to drive next to. Using 57th street entrance really could make it BETTER for those that it affects. Using Mt. Vernon also does not adversely affect others like using Ivy does. Please use MT VERNON ONLY UNTIL a safer and more suitable 2nd entrance can be found (such as using the South 57th entrance). Please either have Hayden homes purchase the south 57th house which is for sale. Or, please have the city purchase the south 57th house. The City could purchase the lot at 57th and then charge the developers to use it and make back the money they spent.

Jasper meadows has only one outlet at all of their subdivisions why cant Pinehurst known as laurelwood at the appeal hearing. Hayden Homes has been in such a hurry to cram this subdivision in that they didn't even do their homework and used a name already given to a subdivision (so JUST BEFORE the appeal hearing they changed their name to pinehurst??!!)

This new 65 home subdivision, Jesse agreed, is really the beginning of a subdivision of nearly 300 homes just like Jasper Meadows. Do you the planning committee really want to send the majority of even half of those homes down Ivy St. and South 55th and Glacier Dr? BUSES COULD COME UP FROM my proposed 57TH entrance VERY EASILY SINCE THERE IS NO STEEP hill to CLIMB AND NO CURVES. AND BUSES COULD also COME IN AT MT. VERNON, then maybe the kids from the 300 homes would make it to school ON Time. Having all the buses go thru the mount Vernon entrance to all of the 300 homes would be a nightmare for the buses. They deserve two ways in. **BUSES CANNOT MAKE IT UP GLACIER even on a summer day.** Ice Snow Storms take out Glacier Dr. completely and EVERYDAY from 4-8 the sun blinds your eyes.

FIRE TRUCKS - CAN NOT MAKE IT UP GLACIER AND MAKE THE CORNER AT IVY ST. and SOUTH 55TH PL. with all of the cars that regularly line both sides of the streets. But, firetrucks COULD make it up from 57th up with no sharp corners. **FIRE TRUCKS would have to go in using Mt. Vernon only and seconds count when a fire is happening. SAFETY FOR OUR SUBDIVISION SHOULD BE FIRST,** making it easier for a developer to sell homes to go shopping, eating out or even going to work should be second. CITY CODE SAYS the streets need to be able to hold 80,000 Lbs. for fire trucks. After speaking with several city officials I don't believe Ivy St., South 55th Pl. or even Glacier Dr. were built for 80,000 Lbs. All I get as an answer to my question is "these streets were built to the existing code back in 1979". Please remember if you choose this route you will be turning it into a main arterial street. Firetrucks are getting heavier and larger every year. Our little out of code streets cannot hold up to a busy arterial of heavy vehicles (Moving Vans, Large UPS Trucks, etc. etc.)

Please remember it is not just 65 homes we are talking about, it will SOON BE IN THE YEARS TO COME 300 HOMES. Given the logic of the city engineer even if half of those go out thru Mt. Vernon and the other half goes out thru Glacier Dr. that is still a whole bunch of extra cars going around 2 already very dangerous corners. Please also remember YOU will be turning those two corners into possibly life threatening corners, at the least there will be accidents and reports of accidents. CAN YOU AS A CITY PLANNING COMMITTEE MEMBER SLEEP AT NIGHT knowing you may have personally helped kill or maim a child at those two already precarious corners. Even one child counts!!! You have the POWER to stop a problem BEFORE it happens!!

ALSO, do you as a planning committee realize the city will be held liable if the power towers come down because there was a water retention pond a few feet away from the towers? Can you as a committee person sleep at night knowing there was not to be any extra water around those power towers because the ground is a SLIDE AREA like OSO, WASHINGTON.

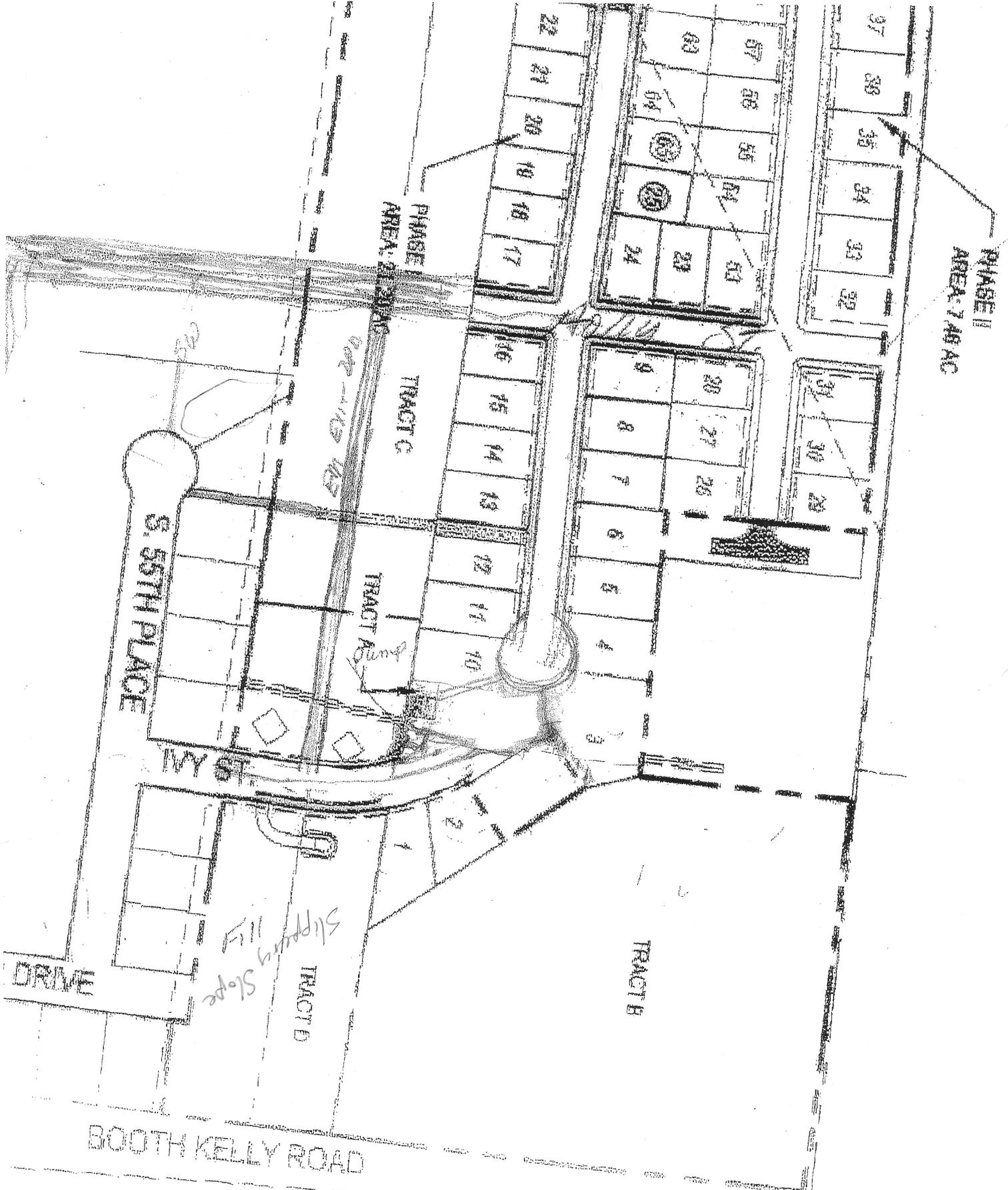
In conclusion, PLEASE DON'T FORGET 77 PEOPLE IN A 53 HOME SUBDIVISION (Royal Ridge) have asked you by three Petitions signed in only four days (taken around by one disabled lady myself who can hardly walk and two young men who kept her company along the way) from July 10-13 to please; 1. Not use Ivy Street in Any Way, 2. To please allow us to have our rightful tree hearing, and 3. To remember the two corners are a serious danger. The city planners may tell you the streets are just like any other streets in Springfield. Don't believe them. Come and find out for yourself.

If you were to go ahead and require Glacier Dr. to be extended like you did 7 years ago it would automatically take away the water retention pond from in front of the towers and take away that possible real danger. Glacier is not really unsafe to build. Wildish have said they can build it safely. It would just cost a lot. Why not allow Mt. Vernon to be used until Glacier could be extended. Remember

Mt. Vernon will be available for regular use by regular traffic in about one month anyway. Permission has already been granted for the heavy trucks to begin building and the road will be ready for regular use by December 1st.

Please also remember even if there was a computer glitch how is it only 4 homes received the initial mailing when the supposed "computer glitch" encompassed 17 homes (53 homes should have been notified on the first mailing). If I had not come home from Florence that day (April 1st), only 3 homes in 53 homes would have even known about the subdivision. Those three didn't know what to do with the letter and felt their voices would not be heard anyway "You can't fight City Hall" and decided not to write a concern letter. April 1st would have been a sick April Fools joke on the entire subdivision if we received a mailing from Hayden Homes inviting us to a "Get to know the new neighbor meeting", "Oh, and by the way we're building not only 65 but really 300 homes right above you in the very near future" and "No one wrote about concerns so we ARE your new neighbors". I'm sure glad I opened that envelope. At least the neighborhood got to know about the new subdivision and did get a chance to write their concerns and to sign the petitions.

I, Tamara A. Yarnall, do believe what I've written to be true and accurate to the best of my recollection.



From: TamieY [<mailto:tamiey@aol.com>]

Sent: Thursday, July 24, 2014 4:47 PM

To: METZGER Mark

Subject: Third time is a charm

Mark, I forgot to sign the bottom of this letter when I sent it to you. Please consider this the corrected copy.
Mark, Third time is a charm!. I found I did not finish my thought in paragraph two.

7/24/14 - 4:04pm
4:45pm

TO: Mark Metzger and The City Planning Commission
FROM: Tamie Yarnall, appeal hearing applicant

FIRST CONTACT WITH JESSE LOVRIEN

I first talked with Jesse Lovrien on the Telephone on 5/30/2014, I CALLED HIM. During the two hours we spoke Jesse talked with me about the neighborhoods concerns about the subdivision. I told him the neighborhood was pretty upset that he didn't even make the neighborhood "Get To Know You Meeting" at city hall that he had personally arranged for. He told me he was taking his final law exam. He told me he had been going to school to get his law degree so he could have even more power and knowledge in working on property acquisition and development. I thought to myself he knew when these exams were going to be IN ADVANCE and he could have arranged the FIRST NEIGHBORHOOD MEETING FOR A TIME WHEN HE COULD HAVE BEEN THERE. I also felt like he was trying to scare me and let me know he was really important.

I told Jesse the neighborhood was not against the new subdivision. I told him we were concerned greatly about the use of Ivy Street as the connector and Glacier Dr. I told him how Barbara several years back had proposed Wild Goose Landing trying to use Ivy Street as the connector and she had been told if she wanted to do any development ever, she had to extend Glacier Street. He said, "I don't care if I need to extend Glacier Street, it's the city who is telling me I have to use Ivy. Later he said, I know that Glacier street is not that dangerous to build, It just will cost a lot of money and I don't want to spend that kind of money. If I do then I will have to sell my houses for more money."

Another one of the topics was the very low water pressure we had Royal Ridge. He explained they were putting in a special water pump for the new subdivision and that he didn't see why we couldn't tag on to his line and give us better water pressure. He said he would be more than happy to pay for the engineering costs and he thought it would only cost the neighborhood around \$2,000ish for the piping. He told me to call the SUB and verify if it could work.

Immediately after talking with Jesse I called S.U.B. 5/30/2014 and talked to Scott who was actually the person who was designing the water lines for the new Laurelwood Subdivision. I believe he said the pipes from the new laurelwood subdivision were on the plans to be connected at Ivy Street and south 55th Pl. He said it appeared it was definitely the time to do it and he thought it would be very simple and inexpensive for the neighborhood to connect to the new Laurelwood subdivision. I believe he talked about connecting at Ivy street, but I think he also mentioned a connection point could be at the walking path where it enters Royal Ridge just one house down from mine.

Both of the conversations took place BEFORE I appealed the city's decision about allowing the subdivision to go forward and grant their application. During that first call with Jesse he set up an appointment to come and talk with me about the neighborhoods concerns and my personal concerns. The day of the appointment he called and said his mother was in the emergency room in the hospital and he would not be able to make the appointment with me. He then said he would call me very soon and make another appointment. Weeks went by and he never called. During which I appealed the city's decision.

He then called out of the blue and left a message on my answer machine, saying he would be in town the next day (Friday) and wondered if I could throw together a quick meeting with some of the neighbors. When I got home late that night it was too late to call him and tell him I was completely tied up the next day. This was his only real attempt at meeting with the neighborhood and he only gave us a few hours notice.

The final time he called me was a week before the hearing and again called out of the blue and said he was in the neighborhood and would I meet with him. I said yes and met with him. However, I DO NOT BELIEVE THIS WAS REALLY TRYING HARD TO SHOW HE (Jesse Lovrien) REALLY WANTED TO MEET WITH THE NEIGHBORHOOD. The three times of contact I called once and he called twice giving no real notice time, I believe we were just a second thought and he could say in the hearing "he tried his best to meet with the neighborhood".

I, Tamara A. Yarnall, do believe what I've written to be true and accurate to the best of my recollection.

From: TamieY [<mailto:tamiey@aol.com>]
Sent: Thursday, July 24, 2014 4:56 PM
To: METZGER Mark
Subject: Clarification Needed, Please 4:56pm 7/24/14

CLARIFICATION NEEDED

Mr. Metzger told me Ivy Street would be off limits to ALL construction people, meaning subcontractors, contractors, employees coming to work and ALL construction equipment. In the hearing it sounded like heavy construction equipment would be the ONLY thing not allowed into the new subdivision entering thru Ivy Street. COULD YOU AS A COMMISSION make sure to spell out that all workers, subcontractors, city employees use the Mt. Vernon entrance to the subdivision and do NOT use Ivy street during Phase One AND Phase Two construction.

AND BY THE WAY, IT'S 4:50 AND THESE ARE MY LAST THOUGHTS

By the time homes are ready to be sold december 1st the road to Mt. Vernon will be completed for regular use. if that is what Jesse expects to be the main road then make it the main road until a safer less invasive road can be acquired.

by purchasing the 57th street house and connecting to 56th Royal Ridge will then have connectivity to the new subdivisions. It will be easy to go to Albertons etc. You won't be backing up traffic clear up glacier dr. during rush hours, etc.

Annexation is almost completed for Laurelwood, can the commission speed things up to give them a usable road in the next month? then Ivy could be put on hold. PLEASE you have the power to hold them back and to make an intelligent decision for our community

we embrace the subdivision and connectivity, please just connect us at 57th instead of using 2 dangerous corners (Ivy St. and Glacier Dr.). They've never been lifethreatening. There have been no reports of car accidents at the corners of Glacier Drive and South 55th Pl. and Ivy Street and South 55th Pl. in the last many years. YOU WILL BE MAKING IT DANGEROUS AND POSSIBLY LIFE THREATENING BY ADDING EXTRA TRAFFIC OF PEOPLE WHO DO NOT KNOW THE TWO CORNERS LIKE THE FEW OF US WHO LIVE HERE DO.

jesse said in the hearing they are "pushing hard" and "are on a fast track"

You as a State planning commission have the power to do "the right thing" for springfield's future. Using the Mt. Vernon entrance and our proposed 57th street entrance is safer and more logical, and does not tear apart a neighborhood, or make anyone angry (like using Ivy Street and Glacier Dr.).

7 years ago, the neighborhood had a complete fit when Barbara made a proposal to use Ivy as her egress out of her proposed subdivision. We fought hard and the city agreed Ivy should not be used for safety reasons (the towers). Now the city finds Glacier should also not be used (the Cliff). So don't use either one. Just use Mt. Vernon until you can gain the 57th St. entrance.

Barbara K. Parmenter
5409 Ivy Street
Springfield, Oregon 97478
Telephone No. (541) 937-1234
Fax No. (541) 746-1461
e-mail: bparmenter 97478@gmail.com
July 24, 2014

REPLY TO THE CITY OF SPRINGFIELD'S APPEAL OF DIRECTOR'S DECISION
FOR LAURELWOOD SUBDIVISION FOLLOW-UP TO THE JULY 15, 2014 PUBLIC
HEARING

NOTICE OF SPECIAL VISITATION

Please take notice that Barbara K. Parmenter hereby makes a special visitation and has made previous special visitations demanding all rights at all times and waiving no rights at any time, especially her right to challenge personal jurisdiction in the first instance and to preserve her right to due process of law.

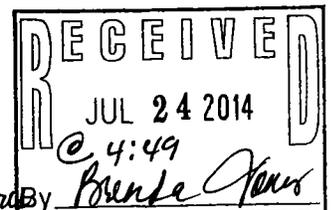
A FUNDAMENTAL CONSTITUTIONAL GUARANTEE THAT ALL LEGAL PROCEEDINGS WILL BE FAIR AND THAT ONE WILL BE GIVEN NOTICE OF THE PROCEEDINGS AND AN OPPORTUNITY TO BE HEARD BEFORE THE GOVERNMENT ACTS TO TAKE AWAY ONE'S LIFE, LIBERTY, OR PROPERTY.

THE FOURTEENTH AMENDMENT DUE PROCESS CLAUSE:

The fourteenth Amendment's Due Process Clause: "Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and the State wherein they reside.

CIVIL RIGHTS 109 U.S., 3. 1883 was not authorized by the 1st Section of the Fourteenth Amendment, which further declares; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protections of the laws.

The United States Supreme Court ruled in 1934 that due process is essential based on the concept of "fundamental fairness" and is violated "if a practice or rule offends some principle of justice so rooted in the tradition and conscience of our people as to be ranked as "fundamental." As construed by the courts, it includes an individual's right to be adequately notified of changes or proceedings, the opportunity to be heard as these proceeding, and that



plus 6 pictures

the person or panel making a final decision over the proceedings be impartial in regards to the matter before them.

THE FOURTEENTH AMENDMENT'S PRIVILEGES AND IMMUNITY CLAUSE

The fourteenth Amendment's Privileges and Immunity Clause States: "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." *THIS CLAUSE protects a person's rights as a citizen of the United States from unreasonable State Action or interference.*

DUE PROCESS OF THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES:

The guarantee of Due Process for all citizens requires the government to respect all rights, guarantees, and protections afforded by the United States Constitution and all applicable Statues before the government can deprive a person of life , liberty, or property. Due Process is essential guarantees that a party will receive a fundamental fair, orderly, and judicial proceeding. While the Fifth Amendment only applies to the Federal Government, the identical text in the Fourteenth Amendment explicitly applies this due process requirement to the states as well.

Courts have come to recognize that two aspects of due process exist: Procedural due process and substantive due process. Procedural due process aims to ensure fundamental fairness by guaranteeing a party the right to be heard, ensuring that the parties received proper notification throughout the litigation, and ensures that the adjudicating court has the appropriate jurisdiction to render a judgment. Meanwhile, substantive due process has developed during the 20th century as protecting those rights as fundamental as to be "implicit in concept of ordered liberty."

I received the last of the written record of the July 15, 2014 public hearing on Tuesday July 21, 2014 and the Planning Committee has given both Ms. Yarnall and me two additional days to review the last 8 pages and submit our reply to the City. These pages of course were the ones we really needed to review.

City Attorney Lauren King informed the public that any procedural or substantive issues can be raised and that certain due process procedural rights are associated with these decision making processes which are:

To notice, which includes DUE PROOF: Sufficient and properly submitted evidence to produce a result or support a conclusion, such as in this case where on page 6 last paragraph, Mark Metzger states on line 5: "So there, they are, boxed in to a relatively small developable print

and it happens that in that footprint is a large block of planted Douglas Fir, they are all about the same age, **it's not a mixed forest by any means**". Mark goes on to explain how he got an education on "wind-throw" from what he has quoted as: Trees planted at the same time, same size, gone awry tree farm. Ms. Scott asked Mr. Metzger on Monday evening July 21, 2014, if he had seen the trees and he finally admitted he had not. Hmm...one week after the appeal hearing Mr. Metzger still has not seen the trees that he literally described in detail?

Therefore, we can reasonably conclude that Hayden Homes LLC misrepresented the ecosystem mixed forest to facilitate removing a natural resource protected by the City of Springfield's Tree Felling Permit requirements and responsibilities. County has agreed that Eugene and Springfield forest practice regulations extend to the respective Urban Growth Boundaries. Lane. The forester's report to Mr. Metzger on "wind throw" could be applicable to a stands of trees planted at the same time and left in a gone awry tree farm but that is not what exists in this forest. The information given to the city council and the public was deceptive and misrepresented. It is no wonder that 70 residents from 53 houses petitioned that the tree felling permit was not comprehensible, was deceptive, and therefore I content violated Oregon's Public Meetings Law.

The City of Springfield has adopted an ordinance regulating tree felling standards and forest practices regulations inside Springfield's portion of the Eugene-Springfield Metropolitan Urban Growth Boundary. The governing regulations are under Article 38, TREE FELLING STANDARDS of the Springfield Development Code, adopted May, 1986 with revisions to said article in October 1987. This article governs tree felling, including commercial tree harvesting, within Springfield's portion of the Urban Growth Boundary.

Ms. Scott was finally given her right to appeal the "Tree Felling Permit", but upon her being notified of her right to appeal Hayden Homes LLC immediately claimed to have found a loop hole, and without posting notice started cutting down trees. Ms. Scott asked other resident's "what good is an appeal if the trees are all cut down". "Cutting all of the trees down" was eventually acknowledged as being the plan all along.

TO PRESENT EVIDENCE: The evidence being presented here are photos of the trees in this mixed sized predominantly Douglas Fir tree forest. I understand other species will not be cut which include broad leaf maple and oak.

TO HAVE A WRITTEN DECISION BASED ON STANDARDS: The City presented with the minutes a notice of a Tree Felling Permit. From speaking with Eastern Lane conservation foresters it appears the applicant may have been trying for an LCDC Rule 14 exemption, without having to disclose their intent. My point here is that the tree felling permit and the application were stated as having been presented together.

Unfortunately for Ms. Yarnall, she also presented objections to the tree felling permit along with her objections to the Tentative Subdivision Plan and Mark Metzger advised her that he had already approved the tree felling permit and in any event her objections were nullified because she had presented both of her objections together. This appears to be an opportunity to use prejudice and bias to have denied Ms. Yarnall an appeal, as well as everyone else. There is no viable standard with bias and prejudice.

The minutes as far as I can tell are reasonably accurate.

TO AN IMPARTIAL DECISION- MAKER: Page 2: The party requesting a continuance must show that prejudice to his or her rights will not be cured by merely holding the record open. Ms. Yarnall and I were both given the most important portion of the minutes at Tuesday July 21, 2014 meeting that we had requested on July 15, 2014. Two days later after our original request Mark Metzger delivered the partial minutes of mostly our own testimonies. The Planning Commission allowed us two days to respond to the important 8 pages we received on July 21, 2014. We were both advised that we should have had an additional 7 days not two, to reply due to our acknowledged handicaps and disabilities and I do believe we both want to present this for the record.

I am addressing in addition, Impartiality from page 6 which states: The Oregon Land use law requires that the council disclose any ex parte contacts or conflicts of interest related to this matter, and allow any person to challenge the Planning Commission for bias. Barbara Parmenter is the only person who has ever sued the self-insuring Oregon State Bar for damages. This has created a financial conflict of interest between her and every practicing attorney, every State and Federal judge, and numerous courts personal as well as the State of Oregon and all State of Oregon Agencies. To preserve for the record: Would there be prejudice and bias with the City of Springfield as well?

It was addressed in these proceeding that me and my now deceased ex-husband put in the development known as Royal Ridge Subdivision which consisted of 42 lots. Nine more adjacent lots abut Royal Ridge on South 56th Street. At the time I was laying out the subdivision I approached the City of Springfield Planner Masood about changing the conceptual road plan. I made appointments several times trying to get the conceptual plan changed because as it was drawn I had to build Glacier Drive, a steep street, to the end of that phase of the development and toward a steep incline and cliff at the east end of Glacier if I wanted to develop the property. Masood refused to discuss changing the conceptual plan and simply ignored me and my requests which were very upsetting. I knew then and I know now that because Masood was a Mid-Easterner Muslim that he would not converse and work with a female.

Likewise Ivy Street had to be next to the BPA power lines. These requirements have plagued the development before and ever since as well as my families' return on our investment.

In 1999 I had preliminary approval for Wild Goose Landing when the home I was renovating and moving to on Dexter Lake burnt to the ground. The structure on Wild Goose was the proposed recreational hall. I was underinsured and the insurer was slow to pay and eventually never paid all of the coverage. Fearing overruns on building Glacier and having received another head injury in a vehicle crash where the 90 year old woman stepped on the gas instead of her brake I had to let the development approval expire. The primary purpose of the hearing is to establish a record upon which a decision can be made.

To make another known bad and faulty decision to increase traffic on Ivy Street and Glacier Drive that were and remain originally ill conceived, faulty designed with known inadequate street connections is adding insult to injury. **Golly gee guys, the school bus can't even get up the Glacier Drive hill in July.** Surely the City of Springfield can do better than that. The City needs to "man up" to their mistakes and fix the problems by requiring the main artery from behind the Harris property to be constructed through to 57th Street. This is the only logical, effective and viable option left. PLEASE DON'T CONTINUE TO MAKE BAD DECISIONS ON TOP OF EACH OTHER. THIS NEEDS TO BE A LIVABLE CITY, OR DOES IT?

Barbara Parmenter

A CONTINUATION OF JULY 24, 2014 REPLY TO THE CITY OF SPRINGFIELD

The City of Springfield employee Mark Metzger in the Urban Planning Division has processed to approve a tree felling permit approval for Hayden Homes, L.L.C.. that was submitted by Hayden Homes, L.L.C. employee Jesse Lovrien.

4.

On April 16, 2014 Hayden Homes L.L.C. Tree Felling Application was mailed with a deadline due for comments and concerns being April 30, 2014. The neighborhood did not receive the notification of a tree felling permit until April 21, 2014. The first sentence of the original mailing for the Tree Permit said that "some" of the trees would be removed. Kimberly A. Scott missed the April 23, 2014 meeting so she called a neighbor Tamie Yarnall and asked what does "some" trees mean, and she said, well actually I just spoke to Mr. Metzger and the majority of the trees have to be cut down with very few exceptions. On April 29, 2014 Tamie Yarnall personally submitted her combined concerns on the development approval and on the tree felling permit. She said she had commented that apparently the notification of the original tree felling application was a misrepresentation so as not to cause a stir, or a public concern. Trees had gone from some to the majority being felled. A week later Tamie again personally met with Metzger and commented that she was pleased to know they, the neighbors, would be getting a hearing on the tree felling. She relayed "Metzger replied with, what do you mean, I have already approved the felling permit. " Tamie states she asked "what do you mean I wrote to have a hearing? Metzger replied Tamie had not replied in the correct manner. She states she then asked "what did I do wrong"? Metzger replied that Tamie did not address the tree permit separately but had addressed both issues on the subdivision and the trees felling in one reply. "How dare you", she stated "what a slimy thing to do", "I guess I have learned the hard way".

5.

I and several other neighbors believe the tree felling application and misrepresentation was a ploy to simply divert our attention away from the trees and valuable timber that are of a higher quality than Mark Metzger and Jesse Lovrien are acknowledging. I have been advised that there may be anywhere from \$400,000.00 to \$500,000.00 in prime timber value, which is not a stand of neglected trees as Hayden Homes has represented. If the timber was not worth a lot of money, Hayden would not have needed to try and conceal the development and misrepresent and deceive

what they were really doing that was not noted on the only tree felling permit. When “some” trees were being represented as what was going to be felled was secretly changed to “most” of the trees the State Law on Public Meeting required a new notification with another ten days to reply was required. I believe another proposal had to be mailed with another ten days for reply to the effected neighborhood residents. When it was finally revealed they were going a “clear cut all of the trees” the neighboring resident’s rights had been violated. and the City and Mark Metzger failed to give required proper notification.

6.

Once the neighborhood residents learned of the real proposal, the real tree felling plans and the ploys, misrepresentations and deception being used has enabled a deliberate and intentional disregard of these residents homes, their livability, and total lack of concern for the environmental impact their clear cutting will profit for Hayden Homes LLC, them and them alone. 100 percent less one person signed three separate petitions it became obvious all of the residents were in opposition of the subdivision and especially the tree felling permit.

7.

OUR TREES: *FROM the Eugene Weekly: 11/15/07 eugeneweekly.com*

“The real benefit of trees is in all the things they do to reduce energy use,” says Kuhns.

“The most direct way trees say energy is in shading property,” Kuhns says. Trees “counter the urban heat island effect” or the warming of cities compared to their rural surroundings, he says. Dark surfaces such as pavement and commercial and residential rooftops cause air temperatures to rise, thereby increasing the demand for electric power in the form of air conditioning. Kuhn’s research indicates that “trees planted to properly shade a building reduce energy use for air conditioning by up to **70 percent.**”

Moreover, his work reveals that “well placed trees that slow the wind can reduce energy use for heating by **30 percent.**”

Urban trees also clean the air by absorbing fine particles, Kuhns says. Breathing fine particles has been linked to many serious lung and heart diseases such as lung cancer and cardiovascular disease. Fine particles (also known as PM 2.5) are created by field burning, fire-based home heating and diesel and gas exhaust.

City trees also help with erosion and storm water control by slowing down rainwater, Ries says. (Storm water runoff is a concern in the Willamette Valley, and the water table on this Thurston hill is usually high.)

BUT small, young trees require decades to grow to full size, and a large tree removes 60 to 70 times the pollution a small tree does, according a June 2007 article on urban forests in Time magazine. And it's the leafy crown of older bigger trees that intercept rainwater and helps with storm water control.

But energy conservation is the most important thing people can do for global warming, Kuhn says. "I worry that people will have extremely consumptive lifestyles and will think that planting a tree compensates," he says.

8.

No meaningful mitigation measures are addressed in the RESTORATION or REPLACENT portion as is REQUIRED in the City of Springfield Tree Felling Permit Application . A copy of the required City of Springfield Tree Felling Permit is attached along with a copy of Hayden Homes L.L.C. Tree Felling Permit Application.

9.

THE PROJECT SHOULD BE MODIFIED TO PROTECT TREES AS IS REQUIRED IN THE FOLLOWING DOCUMENTS:

1.) The City of Springfield Tree Felling Permit Application,

The Urban Growth Tree Ordinance Agreement that the City of Springfield has signed and has agreed to abide by its requirements and recommendations.

10.

THE PROJECT SHOULD BE MODIFIED TO PROTECT TREES AS IS REQUIRED IN THE FOLLOWING DOCUMENTS:

1.) The City of Springfield Tree Felling Permit Application,

The Urban Growth Tree Ordinance Agreement that the City of Springfield has signed and has agreed to abide by its requirements and recommendations.

Testimony at the July 15, 2014 Springfield Planning Commission Meeting raised significant questions and concerns as to whether Springfield residents had been given adequate notice of the

intended tree felling permit that was approve, and I was later notified my objections qualified my having an appeal.

Once I was notified I had a right to Appeal Hayden Homes started cutting trees. I am filing my appeal this day and request an immediate stay and or injunction until my appeal can be ruled upon.

Attached are four pages from Article 38 Tree Felling Standard from the City of Springfield Tree Felling Code. Stating:

THIS ARTICLE 'ENSURES' THAT THE TREE FELLING IS IN ACCORDANCE WITH METRO PLAN POLICIES WHICH CALL FOR RETENTION OF NATURAL VEGETATION, NATURAL WATER FEATURES AND DRAINWAYS, SCENIC QUALITY, WILDLIFE HABITAT AND ARCHAEOLOGICAL SITES TO THE MAXIMUM EXTENT POSSIBLE ON URBANIZABLE LAND. TIMBERHARVESTING IS SECONDARY TO PRESERVATION OF OTHER NATURAL RESOURCES AND CULTURAL VALUES WITHIN THE URBAN GROWTH BOUNDARY. THE NATURAL AMENITIES OF DEVELOPABLE PROPERTIES ARE TO BE RETAINED TO ENHANCE THEIR FUTURE URBAN USE IN THE Metropolitan Area General plan, until these properties are ready for urban development. Significant tree removal is "permitted only" when specific development plans have been approved by the City, consistent with plan policies and City development regulations. Interim removal of trees may be permitted to the extent that such removal does not significantly detract from the natural and cultural amenities that make a particular site attractive for future urban growth.

4.) In the event no Development Plan has been approved by the City, felling trees shall be permitted on a limited basis consistent with the preservation of the site's future development potential as prescribed in the Metro Plan and City Development regulations and consistent with the following criteria.

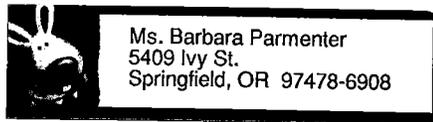
(d) wooded areas along property lines shall be retained to serve as buffers from adjacent properties;

(f) large-scale clear cuts of developable areas shall be avoided to retain the wooded character of future building sites, and so preserve housing and design options for future City residents.

For the record I contend that the city of Springfield did not comply with the requirements of the State of Oregon Public Meeting Act in the handling of this subdivision approval and tree felling permit.

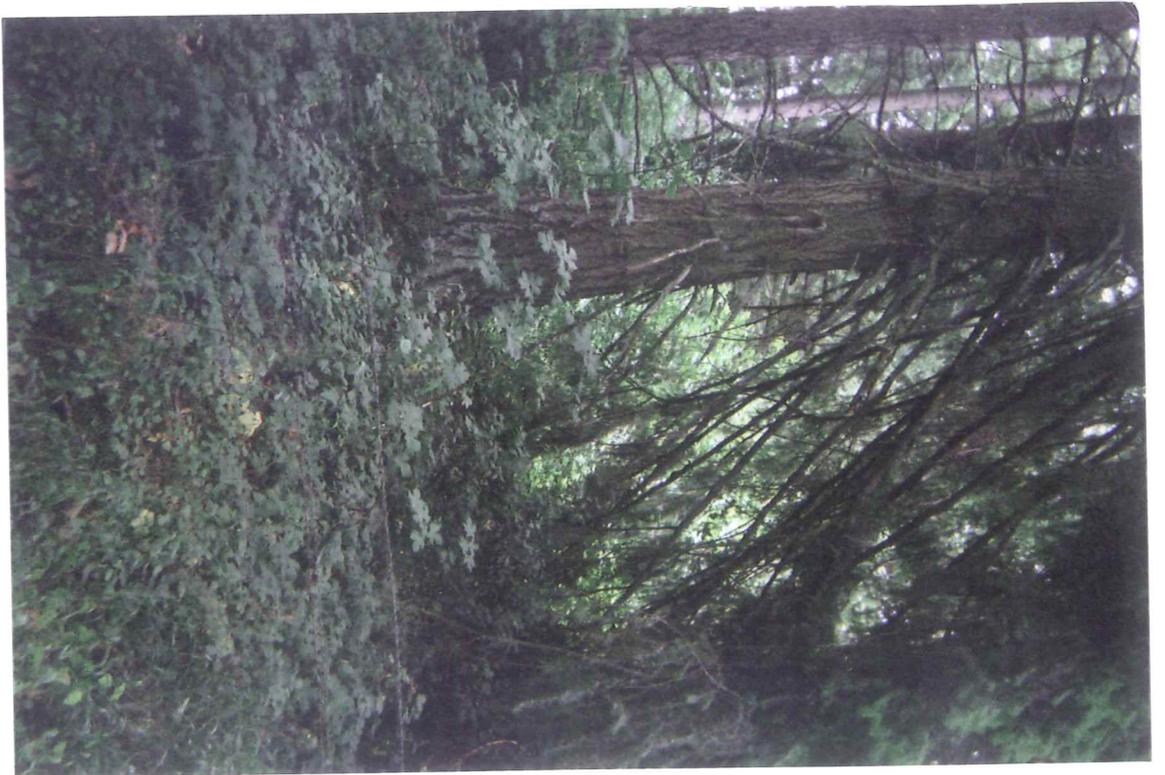
The neighborhood will suffer irreparable harm and loss of natural habitat, and desirable environment from the irreparable cutting of the mixed tree forest that had deliberately been misrepresented and affirmed by Mart Metzger.

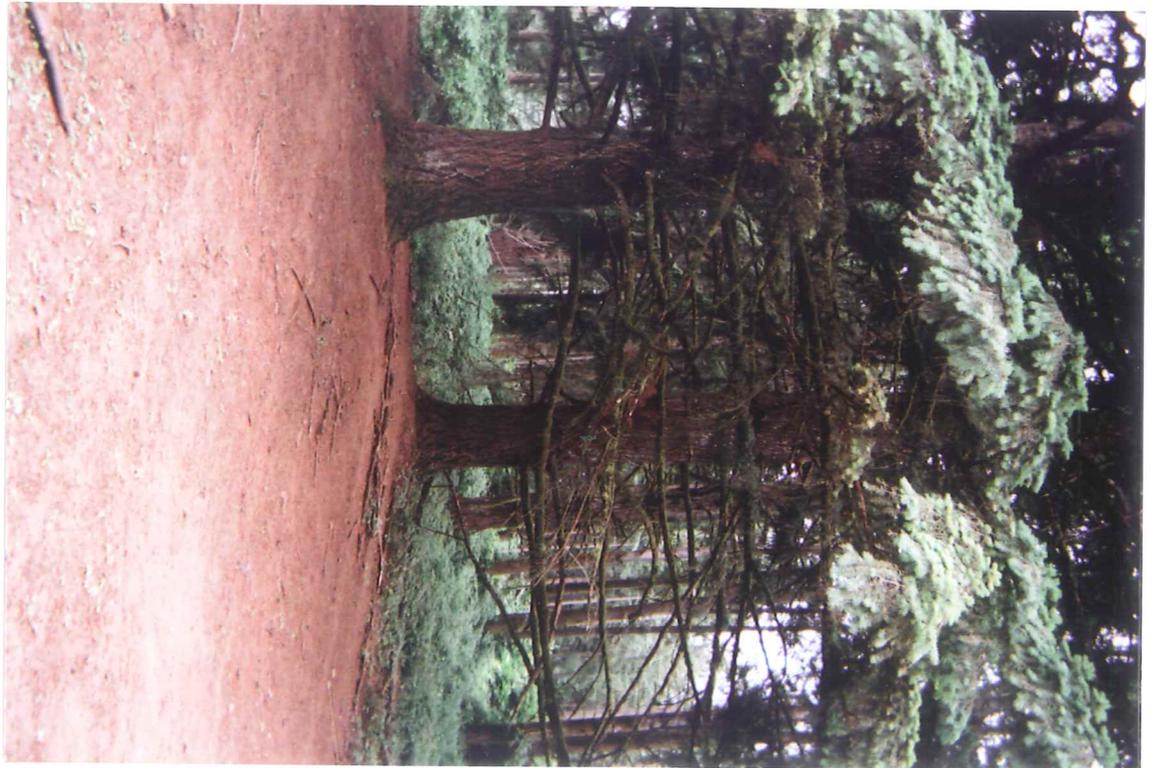

Barbara Parmenter
6 photos enclosed



On 7-24-2014 I picked up Wayne & Joyce Estabrooks letter to the City and they told me they had never received any notices.


7







Wayne and Joyce Estabrook
892 South 55th Place
Springfield, Oregon 97478
Telephone No. (541) 747-3717

July 24, 2014

City of Springfield Planning Commission
And Development and Public Works
225 Fifth Street
Springfield, Oregon 97478

Dear Sir or Madam,

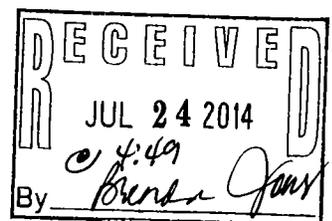
We are Wayne and Joyce Estabrook who live on the North West corner of Ivy and South 55th Place in the Royal Ridge Subdivision. We have been advised by our neighbors that Hayden Homes is proposing a subdivision development to the South West of our property and they want to have their egress and ingress through Royal Ridge by way of Glacier Drive and Ivy Street.

We have lived here for 33 years in our solar earth sheltered home that Barbara Parmenter built. Part of the amenities with our home is the private and sheltered patio areas that were designed as a part of the ecological values our home possesses. Our home, even though it resembles other homes, is literally built into the earth so as to give us the natural temperature control, solar gain, quiet, and livability we enjoy. We spend a lot of time on our patios that are also beamed giving us a cool, yet sunny and private environment that we would not have without the berms. These berms are an intricate part of our solar home.

I understand that the City is looking for methods to better enable using Ivy Street as an egress and ingress for these new homes and that removing our berm or a part of our berms was a possible consideration. This is not a viable or acceptable option. Dismantling the features of our solar home and compromising our privacy cannot be considered as an option. The berms around our home were designed to give our home its livability, privacy inside and outside as well as the benefits from the energy efficient design.

Further we are both handicapped and in our mid-seventies. Joyce has had a stroke and has a pacemaker. I use a walker and have misanthropy in both legs. We have a lot of company who park on the street in front and beside our property. This has been and will continue to be how our streets are utilized by everyone in the development.

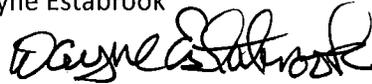
The Ivy Street and South 55th Place intersection is just as hazardous as the Glacier Drive and South 55th Place corner, but thankfully there are less cars using Ivy Street. Our neighbor's children and our great grandchildren ride their bicycles on South 55th Place and also on Ivy



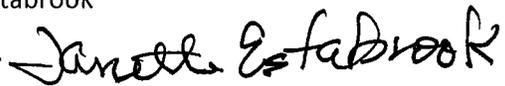
Street. This is not a good place to increase traffic and I can't imagine the City is considering making such a potential traffic pileup and hazard. What a rough shod problem that would be. I always thought building the street over to South 56th would be built for any future development. Please consider our reply as an objection to using Ivy Street, South 55th Place and Glacier Drive as an ingress and egress for any additional development.

Sincerely,

Wayne Estabrook



Joyce Estabrook

for: 

July 24, 2014

Mark Metzger, City of Springfield, Urban Planning Division

Re: Appeal of Land Use Decision, Case No. TYP314-00005

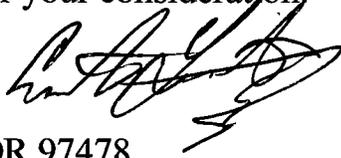
This letter is to question the interpretation of "Condition of Approval #14" in that "fire apparatus access roads" are not defined. Since there are two access points defined for the development, the Glacier-55th Place-Ivy streets would have to be considered a "fire apparatus access road". If that is so, the question is: Does those existing streets meet the requirements stipulated by the Condition of Approval #14?

According to an article in *Asphalt Magazine*, Summer 1999, attached; the existing streets are probably close to the end of their design life. In addition, the existing access roads would have to be reclassified to accommodate the much heavier traffic as the new development becomes populated.

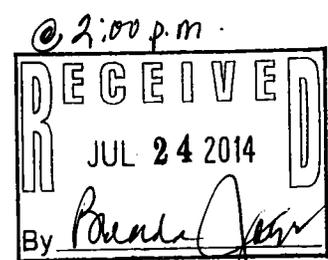
Consideration should be given to requiring the developer to strengthen those streets that will become part of the "fire apparatus access roads".

Thank you for your consideration.

Curt Lantz
967 S 55th Pl
Springfield OR 97478
541-480-6480
Curtlantz21@gmail.com



Attachment: "Life-cycle Performance" article, 3pages.



1984

PERFORMANCE

By Dr. Bob Boyer, Asphalt Institute Senior District Engineer and Jay Hensley, Asphalt Institute Chief Engineer

The Asphalt Institute's life-cycle performance program now has and is developing a database to store and analyze life-cycle performance data and make it available to user agencies. So far, survey results show that asphalt pavements are performing better than previously reported.

Five Climatic Conditions

The program uses five climatic conditions—wet freeze, wet no-freeze, dry freeze, dry no-freeze, or all climatic conditions. The traffic, or functional, classification is divided into six different classes. Class 1 represents the basic residential street. The classification progresses upward to Class VI, which is heavy interstate. The construction level is composed of new, rehabilitation, or both. Fifty-four service life equations can be developed from the data using the various traffic, construction and climatic conditions for a PCR of 70.

Initial service life equations show that asphalt pavements are not only performing according to design life, which is normally 20 years, but can be maintained longer with routine maintenance, which may include crack pouring, surface treatments, milling and overlays of normal aggregate size. Maintenance is not normally thought to add structural value to the pavement but merely to preserve surface for rideability, view and environmental protection from the environment.

Performance Difference

Preliminary data also indicates a significant difference in pavement performance for various climatic conditions. The rehabilitation, or second phase performance, is also out-performing estimated design periods, which are normally 15 years. For major rehabilitation, often referred to as reconstruction, pavements are also lasting beyond their planned design life. A much longer life than that anticipated by the estimate of design life is seen for the total range of rehab projects.

As additional pavement sections are added to the database, including Supercave concepts and new quality control specs, asphalt pavements are expected to show even longer performance periods with less maintenance. The data will be available for further analysis not only by this program, but also by other procedures as well. By the end of 1998 more than 800 pavement sections were logged in the database. Ultimately, there will be several thousand pavement sections for the complete analysis of all criteria with respect to time.

Design Variables Follow AASHTO Lead

Over 35 state agencies use the American Association of State Highway and Transportation Officials (AASHTO)

pavement design procedures, or some modification of them. Many larger city and county agencies also use this design procedure, or a standard section, for various streets and roadways based on it. All formal procedures, regardless of the source, attempt to address the common issues of design variables. Since the AASHTO procedure is used the most, it is a common reference on some of the major issues.

One of the first considerations in design is "design reliability," a statistically based factor that indicates how valid the design is for the input values. AASHTO provides a range of reliability factors based on traffic, as do other formal design procedures (See Table 1).

When higher reliability factors are used, the pavement design is proportionately thicker. Most agencies will select the 85 to 90 percent reliability for the higher traffic levels. A reliability factor of 87.5 percent is fairly common for most high-traffic designs. Having heavier traffic than expected in the design period often negates the design more than any other factor. Designing at 95 percent reliability or above is prohibited by cost for most agencies. Lower volume roads and streets typically specified by ordinance or standard sections fall into a 50 to 70 percent range of design reliability.

The preliminary data from the performance program shows a wider variation in the performance life of Classes I to III than for Classes IV to VI. The level of maintenance may not be as high for the lower volume roads, which

Table 1. Design Reliability Factors for Functional Classifications

Functional Classification	Percent Recommended Level of Reliability	
	Urban	Rural
Interstate & Freeways	85 to 99.9	80 to 99.9
Principal Arterials	80 to 90	75 to 95
Collectors	80 to 95	75 to 95
Local Low Volume	50 to 80	50 to 80

PERFORMANCE

could contribute to a wider band in the performance curve. The Institute's traffic classifications are presented in Table 2. All facilities were placed into the appropriate traffic classification based on equivalent single axle load (ESAL) design zone.

Environment Affects Pavement Performance

Environmental factors can and do affect pavement performance, and extreme moisture and temperature variations appear to be the most common factors. When both are present, this combination can affect the strength and durability, as well as the load carrying capacity, of the structure. Prolonged exposure to these extreme conditions destroys the structural capacity of the roadway.

Aging effects under the various environmental conditions are normally degrading to the structural coefficients that are originally assigned to the materials. This has to be taken into consideration in long-term pavement performance. Level of maintenance is extremely important as environmental factors are considered, and may be an issue in the spread of performance on lower-volume roadways.

Timely Maintenance

The loss of serviceability of a decrease in present condition rating can be the result of both traffic and environmental factors. Appropriate and timely maintenance, which may include crack sealing, striping, and minor surface repair, can help to prevent or reduce the damage to the pavement. It is important to have some maintenance program and to have it done on a regular basis.

Traffic Class	ESAL	Type of Class Street or Highway	Approximate Range - Number of Heavy Trucks for Design Life
I	5 X 10 ⁶	• Parking lots, driveways • Light traffic residential streets • Light traffic farm roads	< 7,000
II	10 ⁶	• Residential streets • Rural farm and residential roads	7,000 - 15,000
III	10 ⁶	• Urban minor collector streets • Rural minor collector streets	70,000 - 150,000
IV	10 ⁶	• Urban minor arterial and light industrial streets • Rural major collector and minor arterial highways	700,000 - 1,500,000
V	3 X 10 ⁶	• Urban freeways, expressways and principal arterial highways • Rural interstate and other principal arterial highways	2,000,000 - 4,500,000
VI	10 ⁷	• Urban interstate highways • Some industrial roads	7,000,000 - 15,000,000

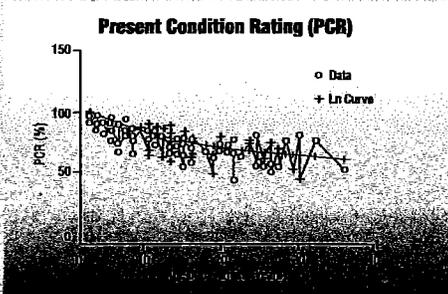
Traffic Class	Type of Construction			Climate Conditions				ALL
	New	Relab	Both	Wet Freeze	Wet No Freeze	Dry Freeze	Dry No Freeze	
I	✓			X	X	X	X	24
I		✓		X	X	X	X	X
I			✓	X	X	X	X	18
II	✓			X	X	X	21	20
II		✓		X	9	X	17	13
II			✓	X	9	X	20	17
III	✓			9	X	47	27	23
III		✓		20	10	32	25	19
III			✓	16	11	39	27	21
IV	✓			18	X	36	X	34
IV		✓		41	34	X	35	46
IV			✓	30	X	43	33	39
V	✓			37	31	X	X	49
V		✓		24	38	27	X	29
V			✓	34	38	38	15	35
VI	✓			X	X	X	X	X
VI		✓		26	21	25	X	25
VI			✓	32	21	29	X	28

* Service life projected to a PCR of 70 indicates surface restoration be considered.
X = insufficient data

PERFORMANCE

The pavement sections for climatic conditions of dry freeze and dry no-freeze appear to have the best overall service life, based on this preliminary data. Right now the study is short on projects from the dry no-freeze region. The projected service life for a PCR of 70 is presented for the classifications that have a significant amount of data (See Table 3). As more data is collected, current values are expected to change. Normally, as the R2 of the correlation equation increases, the projected service life decreases up to a given point. For some of the cells, there's not enough data to make a valid correlation. The categories of all climatic con-

Figure 1. Typical Service Life Decay



ditions and both categories for the construction level, should provide an overall estimate of the life expectancy of each roadway facility before major rehabilitation or reconstruction will be required.

Service Life Decay Curve

The typical and traditional polynomial curve often used to illustrate the decay or service life of pavement was not used in the performance equations. A typical logarithmic decay curve was found or provided the best fit. See Figure 1. The pavement life is shown on the x-axis and the PCR is shown on the y-axis.

alleged. Perhaps this is due to timely maintenance by agencies.

Data Collection Methods Vary

All state DOTs have implemented some form of a pavement management system according to Federal Highway Administration (FHWA) directives. National Center for Highway Research Programs (NCHRP) Synthesis 203, Current Practices in Determining Pavement Condition, summarizes state agency procedures and shows what measurements are made in determining the pavement conditions. This data indicates most states use some measure of deducts combined with ride or roughness measurements.

It also shows that none of the states have rated their pavements in the same manner. As a result, the Asphalt Institute used a detailed rating form in existence for over 30 years and adopted by many agencies for use in determining PCR. The Asphalt Institute rating system, based on *A Pavement Rating System for Low Volume Asphalt Roads* (IS-169), contains practically all forms of asphalt pavement defects on a weighted scale with major load-associated defects assigned a deduct value of 10. Minor and environmental defects are assigned a deduct value of five.

This system has proven reliable because it offers a detailed breakdown of the defects. A summary of the deduct values are shown in Table 4. The ratings normally in range of 40 to 100. The rating value is subjective, implying that the pavement is normal

condition at the time and under the existing conditions of traffic and environmental factors. In a subjective rating, no attempt is made to project what any existing defect will have on future performance.

The form in Table 1 was used to correlate the data available from the state DOTs. The procedure entails a survey of the data available within a particular DOT's pavement management system, and subsequently, an on-site rating of specific sections of pavement. This procedure provides a standard for all pavement sections in the study. The states surveyed so far have been helpful and cooperative in providing existing, available data. Other states that do not have a rating system have provided project logs that can be used to establish the pavement's age. An Asphalt Institute District Engineer then rated the pavement.

Anyone can submit a project for this study. Projects submitted for inclusion will require verification by an Asphalt Institute District Engineer for pavement age and PCR. Many local agencies have data that can be added to the database directly because they are using this rating form in their current pavement management system. An update of this study should be made periodically and the data can also be obtained from the Asphalt Institute's website as well as through written reports. This is an on-going study with noted points currently established. ▲

This article was reprinted from the January 1999 issue of Asphalt Connection.

Table 4. Summary of Maximum Pavement Deductions

Cracking	Distortion	Disintegration	Drainage	Roughness (Ride)
35	20	10	10	PCR = 100 - deducts

Memorandum

To: Mark Metzger, Senior Planner
CC: Brian Barnett P.E., P.T.O.E, City Traffic Engineer
From: Michael Liebler P.E., Transportation Planning Engineer
Date: 7/23/2014
Re: Pinehurst Subdivision Appeal Testimony Response by Staff

In response to testimony put forth on July 15, 2014 to the Planning Commission I have prepared the following responses to issues expressed:

Traffic operations at the intersections of Glacier Drive and Ivy Street with S. 55th Place:

- The two T intersections at these locations are typical and common throughout the City of Springfield. Volumes associated with these intersections are well within the norms for a local street both now and with the added traffic volumes associated with proposed development.
 - ITE (Institute of Transportation Engineers) single family trip generation for existing homes with driveways onto S 55th Pl. of 18 homes = 172 daily trip trips and 18 PM peak hour trips.
 - ITE single family trip generation for existing homes with driveways associated with phase one of proposed development of 25 homes = 238 daily trips and 25 PM peak hour trips
 - Total trips associated with both existing and proposed development would be 410 daily trips and 43 PM peak hour trips.
 - Typical road volumes for a local road are at 1000 or less daily trips or 100 or less PM peak hour trips. With development, the streets would have half of what we would expect for a local street.

- Staff has visited these locations on multiple occasions and has observed that there is some vegetation which has overgrown into the ROW at the top of the T intersection which may visually narrow the travel path for vehicles making a left turn movement from Glacier Drive onto S 55th Pl. possibly causing vehicles to flatten out their turn at this location (See picture below). Staff will instruct maintenance crews to remove this vegetation to the curb line to ensure traveling vehicles have the benefit of this area to maneuver at the intersection.



Figure 1: Blackberry Intrusion Into ROW

- Staff has also evaluated the sight distance for vehicular movement characteristics at the two T intersections and determined that vehicular sight distance for the turning movements given responsible driving behaviors is available at these locations. City code requires a 25 foot by 25 foot vision triangle at corners of private properties abutting the intersection of public rights of way. Code enforcement procedures regarding these vision triangles are citizen complaint driven and have not been formally expressed by the citizens, including the appellant, as official complaints which they wish the City to take action. If the appellant, any citizen, city official or the Planning Commission wish to pursue a complaint of safety due to non-code compliance with one or more of the property owners, then the private property owners at these locations would be required to provide an unobstructed view between 30 inches and 8 feet above the driving surface. Where necessary, the City's code enforcement staff always seeks voluntary compliance in these matters and works with property owners to reach acceptable levels of clear vision. . No action in respect to vision clearance is suggested due to City staff engineering interpretation of the site supported by the lack of recorded traffic incidents, vehicular sight vision availability and local citizen's lack of desire to identify violations of clear vision areas as a safety hazard with any formal request for code enforcement action.
- According to city and PD records, there were NO existing reported traffic incidents related to the intersections of concern between the years of 2003 to present.

Slope of Glacier Drive approaching S 55th Pl. is a hazard during cold weather events and sun glare:

- The slope of Glacier Drive at this location, during certain times of the day and weather conditions, may present issues for the traveling public. These conditions are shared with a multitude of other locations within the city and are typical conditions that drivers throughout the City may encounter and accommodate on a regular basis. Staff has added the Glacier Road slope to our maintenance priority list for cold weather events and is working with residents to possibly alleviate some of the concerns with sun glare such as working with the BPA to install some shading trees at the stubbed out end of Glacier Drive. Both of these issues are typical existing conditions and not introduced or directly related to the proposed development.

Alternative routes possible that would negate the need for an Ivy connection:

- Testimony provided during the PC hearing proposed alternative access to the subdivision south of the Ivy connection. The proposed alternative location is planned as expressed by a stubbed out section of the proposed Holly Road shown on the proposed subdivision site plan. Neither the City nor the development applicant can compel a private owner to provide this area or pay for this connection. In addition, due to winter weather concerns and fire code requirements, regardless of this development a connection to the S 55th Pl. neighborhood thru Ivy is necessary to provide the much needed secondary access. As of now, if for any reason access to the neighborhood was blocked at the bottom of the Glacier Road slope, emergency services would not be able to get to citizens on S 55th Pl. This development provides this necessary second emergency access which does not have the same slope issues as the current glacier connection.

I believe the above covers the substantive concerns expressed by appellant at the meeting. Assuming a typical range of driving behavior and normal visibility of designed facilities, the subject intersections can accommodate the expected additional traffic resulting from the proposed subdivision. Please let me know if you would like further elaboration on these topics or if there was an issue I missed that you would like for staff to address.