



Springfield 2030 UGB Study

College View/South Franklin Study Area Working Group

March 4, 2015 Meeting Notes

Attendance

Staff: Linda Pauly, Loralyn Spiro, Judy Castleman

Working Group: John and Normandy Helmer, Ross Pennhallegon, Gayle Landt, Jim Straub, Rob Castleberry, Betsy Schlultz, Tom LoCascio, Nicole Ankeney, Mark Rust, Tom Scates, Ed Moore, Jeff Schwartz, David Helton

SWG Resource Group: Brett Rowlett (LCC & Main-McVay Transit Study SAC), Dan Terrell (Willamette Water Co.)

CALL TO ORDER. Meeting was called to order at 2:00 p.m. by staff Linda Pauly

Linda began the meeting by reviewing the agenda and telling group this would be the last scheduled meeting. She encouraged them to review minutes from each of the meetings and to let her know if corrections need to be made. Linda will send out an e-mail when minutes and audio recordings are posted on the website.

Normandy appreciated the work and commented that for the record this is the first organized group she has been in where she did not get the minutes prior to the meeting to have a chance to review. Normandy added these should be considered notes but they shouldn't be considered minutes of this group.

Linda replied that since this group had been meeting on a weekly basis we didn't have time to transcribe them fast enough. Please let her know (call or e-mail) if we made any errors and she will make sure the minutes are corrected.

Linda noted that today's agenda is about Land Use Zoning and what she wanted to cover was to make sure everyone understands what the existing Lane County zoning is in the study area that is being discussed. She will touch on the proposed Springfield zoning that would be imposed if this land were to be included in the UGB which is being called an Agriculture zone (AG).

- Discuss urban transition zoning concepts and how they work

- Mark Rust (Lane County Planner) is well versed on how the county zoning code works.
- Nicole from Willamalane brought in and put up on the wall a map of potential bike/ped path connections from Willamalane's Parks and Recreation Comprehensive Plan.
- Handout passed around to the group included:
 - A letter from Cecile Haworth who spoke at the last meeting.
 - Email from Ross Pennhallegon who was not able to attend today's meeting.
 - At last week's meeting Linda invited people that if they had suggestions for alternative boundaries for the UGB proposal or any other kind of land use buffering concepts to mark up the map that she gave the group in their green folders and to share those with the rest of the group today.
 - The Vision and Goals statements the group worked on last week
- Linda is hoping to be able to have more discussion on is the Viable Commerce and Industry types. At the last meeting she passed out that information from the TadZo Industry Report. As we do visions and goals her task is to include discussion about industry types as well.

Linda asked for a show of hands: how many people feel like they understand what the existing zoning is in the College View study area that we're looking at or what land uses are currently permitted there?

One person raised his hand.

Tom Scates: basically between Franklin Blvd and I-5 is commercial and east of Franklin with exception of two or three properties is rural residential 5 but there are several businesses on those (RR5).

Linda said first she would like to walk through what the existing zoning and then Mark can help. (Mark brought in some zoning maps and passed them around.) She said we have four zones: exclusive farming, rural residential, rural industrial, rural commercial, rural public facility and that for this proposal Springfield staff calculated 64 acres of exclusive farm use (EFU) and 185 acres of exceptions land (highest priority for expansion under the law). Mark noted list of uses come from statewide law. Said County's hands are tied. Linda read an extensive list of what is currently permitted in the EFU zone and directly allowed without public hearing or notice and said there is also a list that requires Director's approval that would require an application to be submitted, reviewed and approved by the Director then the Director can decide to conduct a hearing or to provide notice.

Jim asked if there is a threshold for high valued farm land. Mark answered it was based on soil type; Mark said he thinks it's Class 1-3.

Mark added a hot topic right now within the realm of farm use is the legalization of recreational marijuana. He said there is a lot of debate at the state level on developing the rules for that on whether or not marijuana growing is considered agricultural product. Currently medicinal

marijuana is not been considered agricultural crop because it can't be grown for profit. This blends into when a house can be placed on EFU land. Medical marijuana cannot be used – an income tax is the most common way to get a farmhouse on farmland – you have to gross \$80,000 a year on farmland to qualify for a house. You can have a 10x12 shed and grow enough marijuana to gross \$80k a year - could mean a lot more houses on EFU land statewide potentially in this area. The other impact is big grow operations and impacts that go along with that. Mark mentioned an article in today's paper about the industrial hemp – the first permit was issued for that in Southern Oregon. Farmland has the potential even to change drastically in Oregon depending on some of the way the rules are going to be written.

Jim asked question about dividing EFU dwellings and gross income.

Mark: example: Christmas trees planted to get a dwelling, then built houses, let the trees grow into a forest.

David H: According to what Linda was reading it sounds like structures associated with agriculture crop are allowed so he was wondering if marijuana is considered an agricultural crop would that allow large grow operations to come in and build structures on farmland. Mark replied that's a question that is unanswered at the state level right now for recreational marijuana. The legislature will decide.

Gayle: question about current zoning in this corridor- if Springfield decides they would rather expand its industrial UGB somewhere else, people can only develop as this is now zoned unless they go through quite a process to re-zone the land somehow. So if you have Rural Industrial, if someone wants to develop a plot they have now can do whatever fits under the Rural Industrial zoning they can begin that process and do it. Mark agreed. Unless City extends its UGB, would this existing zoning would likely stay the same?

Mark: Yes that is how Lane County would look at it. Unless someone came and proposed to rezone it.

Mark added with Goshen rural industrial the county is proposing to legislatively change some of that zoning to allow more urban levels of industrial use, so on the existing Rural Industrial in the area now there are probably a whole lot of surprising types of uses that are allowed in Rural Industrial as well. Say JCI relocates and someone else looks at that site, they could do uses

Gayle: because of more scrutiny and control presumably by Springfield or Eugene.

Mark: from his perspective part of the visioning process this group is doing for this area if it is brought into the UGB is that we actually have the ability to put some parameters on even the types of uses that might go into the employment lands if they are brought into the UGB that might be wholly different and/or depending on your perspective better than the uses that are allowed today than if it just stayed the same. He said that for example if JCI relocated and their

building was a vacant site today someone wouldn't be able to come in and build a facility today because it might not fit exactly what is allowed. But since JCI is still there they can continue to operate and continue to expand even beyond the level they are doing today because of the way the laws are written.

Gayle; and so they can expand on to other lands as long as they are expanding that plant or just expanding their own land? Mark answered that it depends – there are some real minutia associated. If they acquired adjacent property they could probably expand.

Linda: the existing rules in Rural Commercial and Rural Industrial zones are pretty strict about expansion – you pretty much have to stay within your own footprint she believes. If the land were included in the UGB and if they were to annex it to the City of Springfield they would have more opportunities to expand and grow those businesses or to put something else there on that same site than under the current rules. It's a rural zone now so it is limited by the number of trips associated with it that are putting impact on the transportation system, limited by the lack of wastewater facilities and stormwater management facilities, all those urban uses.

Mark said for Lane County zoning there are very few things that are allowed outright like in a farm zone, farming is outright permitted, don't have to ask for permission. There are very few things allowed in Rural Industrial zone that are outright permitted. The majority of them need some kind of approval – essentially like a site plan approval. Few things that are outright permitted are maintenance /repair/replacement of existing structures. There are certain provisions that allow expansions. Read a list of other uses that are permitted in the Rural Industrial zone – such as primary processing of rural farm and forest products, lumber sales, communication facilities, etc...expansions of industrial uses (allows small scale 35,000 sq. ft. building size.)Allows “similar” uses to what's there.

Jeff: JCI is 130,000 sq. ft.

Mark discussed how those limitations distinguish urban and rural sizes.

Mark pointed to the map and said that a certain portion of Seavey Loop is not in an incorporated community so it has a lesser size standard. Gayle asked if it's not in an incorporated community because there no community or definition there. Mark agreed and said there are actually boundary lines drawn.

Normandy asked how this designation was arrived. Mark said it was done in Lane County back in the 1980s adopted in 1984 based on state laws that talk about number of properties, how small they are exceptions to statewide planning rules etc.

Tom LoCascio: County is proceeding with trying to use that exception with the understanding that they are going down this road regardless of what happens to the City of Springfield. Mark said Goshen planning was way out ahead and completely separate from Springfield's.

Mark said there is a catch all provision that if a new use comes along that the county does not specifically list but is similar enough to any of the other uses they allow you make the argument that it should be allowed just like the other one is.

Normandy: when you talk about communication are you including construction of towers or would that be a separate aspect of permitted use. Mark replied there is actually a federal law of the Telecommunications Act that preempts anything the county gets to say about it and is outside of the county's hands. But, in terms if it's not regulated by the Telecommunications Act, such as a communications facility (radio, television, computer, satellites) that includes towers/ antennas / dishes etc. it then falls under county code.

Normandy: if someone wants to put something up and it doesn't fall under the Telecommunications Act, and it's a tower, do they have to apply for Special Use. Mark replied yes, but it is not automatic. Linda said it is the same if it were in our UGB we have in City code, they are not allowed in every zone and there are restrictions on them.

John asked Mark since he mentioned the Goshen plan, something we touched on in the first meeting was that whole questions of what is that it does not make sense for this UGB to go down and encompass that area and he thinks that statement at the time was it's complicated. John wanted to know if Mark can make an attempt to explain why that plan that Faye Stewart put on the table is just not a reasonable way to go.

Mark: it's really a political call from the City Council and Mayor of Springfield. They were already way down the road in terms of going back to the starting point to reconsider Goshen as a potential area. It would essentially reset their whole process; there was a lot of time and momentum in their process. He said he thinks Linda already touched on the idea that it's really almost too far removed; you can connect it via this corridor, a cherry stem expansion, and facilities come into play too, sewer, water, transportation etc.

Linda said the other things is that Mark had already done a vision processes with the community of Goshen to work out plan and zoning in great detail. Mark added that Goshen doesn't want to be urbanized, the plan that the county came up with for Goshen is hybrid and there is some give and take. If they were brought into the UGB there would in his mind be even more urban they the county proposed it to be under their plan.

Tom LoCascio: when you consider \$76 million to put this line in and limitation on land etc. was it ever considered what if we were to go to Creswell and build their sewage and water capability then from there you can add Cottage Grove or north to Goshen. Suddenly the issue of the land doesn't matter, you are putting your into developing infrastructure that's going to allow growth in a more effective way and help communities that are probably going to benefit a lot more from having high value grounds that could really attract industry and not impacting the types of cultural and historic value that we are fighting and landlocked issues.

Mark answered they did look at going to Creswell for Goshen and it really boiled down to not being a feasible option due to the permitting restrictions the City of Creswell has for discharge from their existing sewer plant.

Tom LoCascio said he is naïve on this but his thought is to put the \$76 million into building a different sewer system in Creswell which could serve south and north and then you don't have the limitation and restriction and you're really growing a community for them in a positive way.

Mark said Creswell has its own issues with their sewer. He said he knows very little about it but his understanding is that they have two separate treatment systems now one of the eastside of the highway and one on the west side. The one on the eastside is a private system and they are trying to figure out how to combine the two and there are very complicated issues with DEQ on discharge and how deal with the effluent and biosolids.

Jim: would expanding in the UGB prohibit his ability to grow marijuana as a crop? If he was so inclined and say he wanted to live out there next to his parents and he wanted to get the exception \$80,000 gross. If it was expanding the UGB would he not be able to do that?

Linda replied that would be up to future rule makers and zoning. Right now we're working on medical marijuana regulations in the City of Springfield.

Jim: if was declared an agricultural crop then under current code he could.

Linda responded that if his land is in the UGB and he owns the property that has large parcels on it, if we bring that into the UGB it has to be restricted from land division. That means you wouldn't be able to subdivide.

Mark added dividing EFU land is very difficult – the minimum lot size in EFU zone is 25, so if you had 50 acres you might be able to split into two 25 acre parcels.

Linda noted that code hasn't been written yet but there is a draft that already went to the Planning Commission two years ago for the draft Agriculture Zone, you would not be permitted to subdivide large parcels of farm land until the land is annexed, master planned, know what you are going to do for future urban use on it. That's why would bring it into the UGB. We're not bringing it in to subdivide; we would never meet the goals and rules that Oregon has set forth. We've been very clear about that from the beginning. What the minimum acreage is she thinks there is some leeway there because we haven't decided; right now in the draft it says couldn't divide under 20 acres. That will be based on the needs of industries that Springfield is trying to attract and that we believe are going to be viable in these areas. That's why we've done all this additional analyses to determine what the site needs are and what size properties are needed, which industries need I-5, etc.

Jim said he's heard a lot of opposition to JCI expansion onto their EFU site. What if bought other lands and expanded there? Like his RR parcel across the road?

Mark/Linda: Couldn't put industrial uses in RR zone.

Linda said we can't resolve everyone's land use questions today .

Mark referred to Lane Code 16.292 (RI) 16.291(RC)

Mark said the Rural Commercial zone is essentially an urban commercial zone now.

Tom. S said he'd like to see something prettier than tin buildings.

Mark said County doesn't do "pretty."

Linda: said new rules, design standard, etc. only come into play when property owner chooses to annex and develop. Interim zoning will establish thresholds similar to what's permitted in County now r transportation impacts, etc.

Mark said new code regulations can make it look a lot better over time.

Brett Rowlett introduced himself. Government and Community relations for LCC.

Tom L. read packet (TadZo report) said there are huge building sizes.

Linda said the report shows a range of uses, buildings and site sizes. The line between office and other kinds of industrial development is more blurred than in the past. Moving towards more flexibility in employment zoning districts. If we are bringing in large sites, they must be protected from division and form interim uses that would preclude use as employment sites. Some use will have to be restricted – some of the uses we read from the list. Permitted uses list will be a subset from what's currently permitted. Existing non-conforming uses can continue.

Jim said he reviewed the proposed Ag zone. Could he rebuild a barn that burns down. To justify this to the state they need large parcels for large campus style businesses. They want a contiguous tract of 50 acres or more. They don't want him to chunk it off. Won't want him to sell off 7 acres in the middle of it. Has it in multiple LLC companies because of County's previous rules .

Linda said the lands around that would be zoned to support higher value uses over time, like what City is doing in Glenwood and Franklin Corridor now, while allowing existing uses to continue. Especially since they will have to extend infrastructure if they have to mitigate wetlands, provide buffers, etc.

Gayle: the width of the corridor is part of why the City wants it.

Jim: they are willing to consider design standards.

Linda: said different boundaries could be shared with this group – doesn't mean the City will do it that way.

John it should follow 99. Spreading to the east is questionable. Why not south. It makes sense to include the narrow strip between 99 and I-5.

Linda asked what about Twin Buttes?

Jim: They done exactly what you've asked but they need the 50 acre piece. They need mine. They are not as able or willing to alter the UGB.

John: You'd have to go somewhere else.

Linda: You have to go to the worse soils first when expanding onto ag land.

John: There's less Jim can do with his land if it's in the UGB.

Jim: The Register Guard only printed a fraction of his letter. He didn't understand it at the time so he said I'd rather not. Eventually it will be worth more money.

Rob: When would design review and criteria kick in?

LP: Additional planning before annexation and zoning code. Important things should be included the Comprehensive Plan now to create foundation for next level of planning later.

Rob: It's a component that's not just forgotten?

Jim: Vision statement is like a will. Once we're gone, it tells what the intent was...what we like, what we value. It's more sweeping, not black and white, capturing the sentiment of the neighborhood. Carries forward forever. Visioning plants aren't dropped off. It sticks with it.

Jeff: Understands there's opposition, concerns about to expansion. What could be improved? Doesn't have plans for the EFU. Concerned of what people think of his operation, how to make it better. Value of thier property How will this affect his business. Responsible to help feed 270 families. Two different perspectives, hopefully we respect each other. They're physically constrained.

If it were zoned differently he could park equipment on it. I-5 is a must for his business. 58 is nice but not a must have. It's hard to find reasonable priced 10-20 acres on I-5. It doesn't exist. Described how they store materials and goods off site, increasing their cost. \$1500. Open to any ideas. The closer they are to the existing site the better. The more they have to relocate, doesn't want to leave Lane County. The farther they go the harder. In 2012 they had to restripe parking lot to fit everyone in. If he could put admin building or parking across the street (on EFU), he could expand on site. Has pondered that.

Jim asked wouldn't that be less impactful to neighborhood?

Tom L: no matter how you slice it, runoff would impact. Can't get away from the idea that this area already has high value. Calling it industrial will devalue those areas and put pressure onto those lots as more urban uses.

Gayle: Does heavy industry always do what you say?

Jim: If I were to intensively farm my land it would impact far more than anything Jeff (JCI) – or anybody would do. If a Symantec type use went in, the codes for stormwater discharge are much more restrictive. Farming it – he can put 100 #/acre of straight nitrogen - straight urea and phosphorus on it.

Tom: you wouldn't because of the cost it would be ridiculous. Large paved areas are artificial and pick that up.

Tom S. Before they bought it Fairchilds had it, they dug a ditch. Runoff from BPA side crosses Franklin. Even when heavily raining, they are controlling runoff and water runs generally clear. If they had done not, his land and my lower land would flood more. His understanding of runoff law if that they will have to put it tertiary treatment bioswales.

Linda: The City requires on site vegetative treatment for parking lots, trees to shade it, etc. Runoff must be clean.

Gayle: We don't have enough time to process all this information, check what water testing's been...

Jim: Easily provable that existing uses allow far worse than what new development would, so (air and water pollution argument) is not a convincing argument.

John: His piece wouldn't be in UGB but close to it. Having that go through affects the value. What do you see from your front porch – field and mountain or factory? The externalities of economic model. It probably detracts/devalue.

Jim: Sees nothing that takes that into account.

Linda said compatibility is a factor under the ESEE factors. That's why we are having these discussions. We have a real estate person in the room or attorney.

Betsy: There is a bill in the legislature that has to do with all of the disclosure requirements if you do buy a piece of property. Was surprised to hear what could be done currently.

Normandy: Curious because Linda had met with the Seavey Loop neighbors and talked about this and put it on their radar. Her memory was that there were five locations and at the time Linda said she thought this area was going to be at the bottom of the pile because the cost of providing infrastructure would be horrendous. Springfield got the letter from Bill Kloos and all

of a sudden this area was back on the radar again. She's wondering if Malone letter would rearrange something too.

Linda: This area was always the first consideration and always part of the study because of the exception areas closest to Springfield. She had shared what the rules and the goals were, showed them the map of the exception areas. Staff's recommendation included other, larger areas. Direction from Council was to keep all areas on the table going into the public hearing process and so more analysis have occurred. We have this working group because of all the interest in this area. This area had a working group because there is a lot more interest than in other areas. Everyone in the five study areas was mailed information with an offer to meet with them. She had a meeting with Mahogany Lane area also. No request from the other neighborhoods.

Jim: current maps that show floodway/floodplains he doesn't think reflect what the new FEMA maps. Linda said the new maps have not yet been accepted, but they have been analyzed to make sure Springfield was not way off base on the areas being studied.

Dan: is working with the law office of Bill Kloos and in large part responsible for that letter. The state statutes for UGB expansion are in some respects frustrating because of what makes a lot of planning sense isn't always consistent with what the statutes require. Over the past several years several cities have tried to move forward with a better planner's approach that was not consistent with the statutes and every one of those governments got their desired plan pushed back and told to do it again. Give Springfield credit. Going through this process you have to step back periodically to see if this is consistent with the statutes. Hasn't seen Malone letter... may be challenging the need for land and of what type. Once into the factors, there's no question that exceptions are the first areas you have to go to. Jumping over those is a hurdle that no one has jumped over yet. City wants to do it right and in a way that makes good planning sense. Making the best of a difficult situation.

Linda added the City has needs for employment uses and having land available along I-5 is seen as a huge plus for the City of Springfield and for our region. It's not that we're studying this area because we have to, but also because it potentially provides sites that are going to be appropriate for the types of industries that we want to have as a community.

Jim: since this is the last of the four meetings seems we did a lot of venting. What did we accomplish?

Linda: we accomplished the vision statements.

Jim agreed but said ideal situation would have been to have brought that back to this working group to see if it should be refined, expanded. Linda she was hoping that would have happened during this meeting but the group wanted to have other discussions today.

Normandy said realizes Linda has to present this to the City council but she would consider it tremendously problematic and inaccurate if she were to take this piece of paper and say this represents the feelings of everybody in this room. There are aspects that she thinks everyone agrees on but if we had to vote on this.

Linda replied that is not her intention, just trying to record a process and to explain what we talked about in these meetings, what issues people raised, ideas that you had, and to forward that information on to the decision makers. Not asking anyone to make a decision just asking for input.

Tom LoCascio: he would have found value in the group getting together and reviewing this and looking at the vision statement, and discussing it collectively.

Linda said she doesn't know if we could get much further than we are now.

Jim: as long as you are presenting this not as this is the collective wish of the group but rather a list of statements that individuals of the group presented.

Linda: and some the statements even say "my vision is...."

Normandy said her vision is:

- Class 3 or better soils be protected and preserved as agricultural or rural residential.

Jim: if UGB expanded he understands that it restricts what he is able to do under current code. What if he set up a conservation easement across the entire property; how would that affect the process? He could cloud the title forever and it wouldn't allow employment use or industrial use regardless of the zoning nothing could ever be done on it.

Linda responded Springfield would look at that as a constraint.

Jim: if he did that even after the UGB expanded that's an individual's right to do it. Linda agreed.

Dan gave a quick legal analysis of that saying if he did that before the UGB expansion, Springfield would be in its right to see the property as constrained and not available and is allowed to look elsewhere potentially going lower in the priority list. If it happens after the UGB line has been determined, Springfield is stuck with having to consider that land as available until the next time this process is done. Then they can take it out of potential inventory as available.

Jim: what impact does established wetlands or perceived wetlands on property that's not a deep constraint, that's something that could be mitigated so it probably does factor into their criteria.

Linda: the City is factoring in wetlands as a constraint if they are inventoried wetlands. We don't have a local inventory of wetlands in this area – we just know there are soils that may contain

wetlands – so we would be requiring a wetlands inventory be done prior to any development of the property. It would be done at the time of a plan amendment (a type 4 legislative action). The National Wetlands Inventory has identified some that are show in the map and those have been deducted from the buildable acres in this area.

Rob: Prefers “employment” to “industrial” and prefers employment intensive uses vs. warehouses, etc. He is concerned about parking lots.

David: ODOT doesn’t have any detailed plan for changes to any of the state facilities in that area. The law requires that if the City is going to have to bring this area in it will have to look at transportation demand that will be generated as it develops plan for transportation system. That detailed planning doesn’t have to be done until after they bring that land into the area. As far as he knows the City has not done detailed planning nor has ODOT, but their preliminary conclusion from experience at looking at these types of things is ODOT doesn’t think that this expansion area by itself is going to generate the need to make major improvements on I-5 or the interchanges. They know congestion can be an issue especially when LCC is in session, and ODOT would expect much of the traffic particularly in the southern end of the expansion area would be using the interchange at Goshen which does not have a capacity constraint.

Linda passed around a hand out from the Department of Revenue showing taxes on farm land vs. non-farm land.

Nicole presented maps from Willamalane Comprehensive Plan. She pointed to multi- use path and trail projects that Willamalane has in its 20-Year Comprehensive Plan. She spoke about the bridge that connects the Middle Fork Path and Mt. Pisgah. Willamalane will need team-up with other agencies to see if the bridge is feasible and if so, where it should go, and does it work environmentally. They are also looking at bringing in a path on the south side of the river in the Glenwood area. Finally a bridge connecting Glenwood with Dorris Ranch however currently there is no funding for these projects but still need to do long-range planning.

Jim: if Springfield expanded the UGB to include Seavey Loop would Willamalane look at expanding their park district boundary also? Nicole answered that the Willamalane boundary is not directly tied with the UGB however it is directly tied with annexation. If the UGB did occur and one of the land owners decided to sell and go ahead and annex that property would automatically get put into the Willamalane boundary.

Linda said if anyone had additional information regarding the study they need to get it to her as soon as possible as the council work session is scheduled for March 23rd. She added the work session is open to the public but no testimony will be heard.

