



Planning Commission Agenda

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Planning Commissioners:
Michael Koivula, Chair
Troy Sherwood, Vice Chair
Tim Vohs
Andrew Landen
Grace Bergen
Kuri Gill
Sophie McGinley

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 Chamber, a "Personal PA Receiver" for the hearing impaired is available. To request a reasonable accommodation at this meeting, please contact Brenda Jones at 541.726.3610 or bjones@springfield-or.gov.

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.

March 5, 2019

**6:00 p.m. Work Session
Jesse Maine Meeting Room**

CALL TO ORDER

ATTENDANCE: Chair Koivula _____, Vice Chair Sherwood _____, Vohs _____, Landen _____, Bergen _____, Gill _____, and McGinley_____.

BUSINESS FROM THE AUDIENCE

WORK SESSION ITEM(S)

1. Main Street Safety Project-

Staff: Molly Markarian, Senior Planner
60 Minutes

2. Planning Commission Training- Parliamentary Procedures Training

Staff: Kristina Kraaz, Assistant City Attorney
30 Minutes

ADJOURNMENT

AGENDA ITEM SUMMARY

Meeting Date: 3/5/2019
Meeting Type: Work Session
Staff Contact/Dept.: Molly Markarian/DPW
Staff Phone No: 541.726.4611
Estimated Time: 60 Minutes
Council Goals: Maintain and Improve Infrastructure and Facilities

PLANNING COMMISSION (PC)

ITEM TITLE: MAIN STREET SAFETY PROJECT

ACTION REQUESTED: Review key themes from first major round of community engagement and existing conditions analysis, and provide feedback on draft Goals and Objectives.

ISSUE STATEMENT: The project team has completed the first major round of community engagement, as well as technical analysis of existing transportation, land use, and environmental conditions on the corridor. The purpose of this Work Session is to review the technical findings and key themes that emerged from the community outreach with the Planning Commission and seek feedback on the draft Goals and Objectives that will ultimately be used to evaluate infrastructure solutions developed for the corridor.

ATTACHMENTS: ATT1: [Technical Memorandum #2: Plans & Policies Framework](#)
ATT2: [Technical Memorandum #4: Transportation Analysis Methods & Assumptions](#)
ATT3: [Technical Memorandum #5: Existing Intersection Operations](#)
ATT4: [Technical Memorandum #6: Existing Transportation Conditions](#)
ATT5: [Technical Memorandum #7: Environmental Summary](#)
ATT6: [Technical Memorandum #8: Existing Land Use Summary](#)
ATT7: [Focus Group Summaries](#)
ATT8: [Online Open House Summary](#)
ATT9: [Other Comment Submission Summary](#)

DISCUSSION: In spring 2018, the City and ODOT launched the Planning Phase of the Main Street Safety Project in coordination with the Main-McVay Transit Study. In July 2018, the project team reviewed the process to develop a Main Street Facility Plan with the Planning Commission and sought input to inform development of the project's Community Engagement Plan that the Planning Commission, acting in its capacity as Springfield's Committee for Citizen Involvement (CCI), ultimately approved in September 2018. The CCI also appointed members of the project's Strategic Advisory Committee in September and December 2018. During the last quarter of 2018, the project team delivered the first major round of communication and engagement with the community and completed technical analysis of existing transportation, land use, and environmental conditions, as summarized in the [Communication Packet Memo](#) shared with the Planning Commission in January.

During the Work Session, staff will present findings from these technical memos (Attachments 1-6) and community engagement activities (Attachments 7-9). Staff will also review and seek feedback on draft Goals and Objectives that will shape the development of transportation improvement options to create a safer Main Street.

AGENDA ITEM SUMMARY

Meeting Date: 3/5/2019
Meeting Type: Work Session
Staff Contact/Dept.: Kristina Kraaz, CAO
Staff Phone No: 541-744-4061
Estimated Time: 30 min
Council Goals: Mandate

**SPRINGFIELD
PLANNING COMMISSION**

ITEM TITLE: PARLIAMENTARY PROCEDURES TRAINING

ACTION REQUESTED: Participate in training on parliamentary procedure for the Planning Commission, including the Commission's adopted bylaws and ordinances regarding the conduct of public hearings and the basics of Robert's Rules of Order

ISSUE STATEMENT: Meetings of the Springfield Planning Commission are governed by the bylaws adopted in the Springfield Municipal Code section 2.402-2.424, the public hearing process set forth in the Springfield Development Code section 5.2-100 et seq, and Robert's Rules of Order, Revised Edition.

ATTACHMENTS: ATT1: Springfield Planning Commission Bylaws, SMC 2.402-2.424
ATT2: Public Hearing Process, SDC 5.2-100 et seq

**DISCUSSION/
FINANCIAL
IMPACT:** This work session will focus on the proper meeting procedures of the Springfield Planning Commission. Parliamentary procedure becomes especially useful when the meeting agenda, bylaws, and ordinances do not make clear what the Commission's next step is to conduct its business.

In order of hierarchy, the Planning Commission is first governed by its bylaws adopted and approved by the Springfield City Council (through SMC 2.402-2.424) (Attachment 1). For public hearings, the order of business for public hearings is set by the Public Hearing requirements set forth in SDC 5.2-100 (Attachment 2). The Council has specifically adopted Robert's Rules of Order, Revised Edition (1915) as the City's rules of parliamentary procedure. However, the underlying principles in the 1915 Revised Edition are the same as those found in more recent versions and in numerous other quick study guides available online or in book stores. Commissioners will be provided with a laminated Parliamentary Procedure Quick Study guide, which will be distributed to Commissioners at the meeting.

In this training, we will focus on making and responding to motions as the primary way that Commission conducts its business. Specifically, we will cover:

- The different types of motions and their uses,
 - The proper time for making a motion,
 - How to alter or withdraw a motion, and
 - How and when to call for a vote on a motion.
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Springfield Municipal Code[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[Chapter 2 GOVERNMENT AND ADMINISTRATION](#)**CITY PLANNING COMMISSION**

2.402 Creation.

There is hereby created a planning commission for the city.

2.404 Membership.

(1) The planning commission shall consist of seven members, to be appointed by the mayor and council, two of whom may be non-residents of the city. Members of the planning commission shall receive no compensation but may receive incurred expenses.

(2) No more than two appointed members shall be engaged principally in buying, selling or developing real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade, profession or occupation.

2.406 Terms of Office.

Appointed members shall each hold office for four years.

2.408 Vacancies.

Any vacancy on the commission shall be filled by the mayor and council for the unexpired portion of the term of the member creating the vacancy. The office of an appointed commission member shall be deemed vacant whenever the commission member has two consecutive unexcused

absences. If the commission member has more than three consecutive excused absences, the commission may declare that position vacant.

2.410 Officers.

At the beginning of each calendar year, the planning commission shall elect a chairperson and vice-chairperson who shall hold office for one year.

2.412 Secretary.

The development services director, or a duly authorized representative, shall keep an accurate and legally sufficient record of all proceedings before the commission and shall provide a monthly meeting summary of planning commission activities to the council at its second regular meeting.

2.414 Quorum.

A majority of appointed members shall constitute a quorum. If a quorum is present, all matters shall be decided by a vote of the majority.

2.416 Meetings.

The planning commission shall meet at least once a month, at such times and places as may be fixed by the commission. Special meetings may be called in accordance with the public meeting laws by the chairperson or vice-chairperson. All meetings shall comply with state public meeting laws and Article 14 of the Springfield Development Code.

2.418 Staff—Expenses.

The principal staff to the planning commission shall be the development services director and the development services department staff.

2.420 Functions.

(1) The planning commission shall be responsible for making recommendations to the council concerning the legislative adoption of land use plans and land use regulations, in accordance with state law. Such plans and regulations shall include, but not be limited to, the

metropolitan area general plan, refinement plans and functional plans, the Springfield Development Code, and any other plans or regulations that implement or are subservient to the metropolitan area general plan.

(2) The planning commission shall also be responsible for the review of development proposals in the manner prescribed in the Springfield Development Code. In making such quasi-judicial land use decisions, the planning commission shall act impartially and in accordance with land use plans and regulations that have been adopted by the council.

2.422 Recommendations to the City Council.

All recommendations to the council by the planning commission shall be in writing and shall include findings and reasoning in support of the recommendation.

2.424 Expenditures.

The planning commission shall have no authority to make expenditures on behalf of the city or to obligate the city for the payment of any sums of money.

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Springfield Development Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Collapse](#)[Search](#)[Print](#)[No Frames](#)[CHAPTER 5 THE DEVELOPMENT REVIEW PROCESS AND APPLICATIONS](#)**Section 5.2-100 Public Hearings Process**

5.2-105 Purpose

This Section provides a public hearing process that makes available a venue for citizen involvement before the Planning Commission, Hearings Official and the City Council.

5.2-110 Hearing Body Jurisdiction

- A.** The Planning Commission shall hear:
1. Type II review procedure administrative appeals within the city limits;
 2. Type III review procedure quasi-judicial applications within the city limits;
 3. Type IV review procedure legislative applications that require a recommendation to the City Council; and
 4. Appeals as may be assigned by the City Council.
- B.** The Hearings Official shall hear:
1. Type II review procedure administrative appeals within the City's urbanizable area and appeals of all expedited land division actions as defined in ORS 197.360;
 2. Type III review procedure quasi-judicial applications within the City's urbanizable area; and
 3. Appeals as may be assigned by the City Council.
- C.** The City Council shall hear:
1. Type III review procedure quasi-judicial appeals within the city limits; and
 2. Type IV review procedure legislative applications final decisions.

5.2-115 Notice

A. Mailed Notice. Where required, notice of a public hearing will be sent by mail at least 20 days before the date of the hearing. If 2 public hearings are required, notice may be sent 10 days before the first hearing. The mailed notice will be sent to: the applicant and the owners of record of the subject property; all property owners and occupants within 300 feet of the subject property; the appropriate neighborhood association; and any person who submits a written request to receive notice. In addition, the applicant shall post 1 sign, approved by the Director, on the subject property. Information pertaining to property ownership shall be obtained from the most recent property tax assessment role. The mailed notice shall contain the following:

1. A map locating the subject property;
2. Identification of the application by Department case number;
3. Identification of the subject property by reference to the Lane County assessment map and tax lot number and the property address/location;
4. Identification of the property owner and applicant;
5. An explanation of the nature of the application and the proposed use or uses that could be authorized by the decision;
6. The applicable approval criteria from this Code and all other relevant criteria that apply to the application and decision;
7. The name and phone number of the assigned planner;

- 8.** A statement that the application, all documents and evidence relied upon by the applicant, and the applicable criteria are available for inspection at the Development Services Department at no cost and that copies will be provided at reasonable cost;
- 9.** The time, date and place of the public hearing;
- 10.** Identification of which Approval Authority will conduct the hearing;
- 11.** Disclosure of the requirements of this Section for submittal of written materials prior to the hearing and a general statement of the requirements of this Section for the submission of testimony and the procedure for the conduct of hearings;
- 12.** If the hearing is an appeal, identification of the appellant's name, if different from property owner's name or the applicant's name;
- 13.** A statement that failure to raise an issue in a hearing by the close of the record at or following the final evidentiary hearing, in person or by letter, or failure to provide sufficient specificity regarding an issue to afford the Approval Authority an opportunity to respond to the issue, precludes raising the issue in an appeal to the Oregon Land Use Board of Appeals on that issue; and
- 14.** A statement that at least 7 days prior to the hearing, a copy of the staff report for the hearing will be available for a free inspection at the Development Services Department and copies will be provided at a reasonable cost.

B. Newspaper Notice—Quasi-judicial and Legislative Land Use Decisions. Notice shall also be published in a newspaper of general circulation. The notice shall include the nature of the application and the proposed use; the subject property location; the date, time, place and location of the hearing; and a statement that the application, all documents and evidence relied upon by the applicant, the applicable criteria and a copy of the staff report will be available for a free inspection and copies will be available at a reasonable cost.

5.2-120 Rules of Conduct

- A.** Affected parties are entitled to an opportunity to be heard, to present and rebut evidence before an impartial hearing body, to have the proceedings recorded, and to have a decision based on evidence supported by findings as part of the record.
- B.** No person shall be disorderly, abusive or disruptive during the hearing.
- C.** No person shall testify without first receiving recognition from the presiding officer and stating their full name and residence address.
- D.** No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
- E.** There shall be no audience demonstrations for example: applause, cheering, booing, display of signs, or other conduct disruptive of the hearing. This conduct may be cause for immediate termination of the hearing by the hearing body.

5.2-125 Conflicts, Disclosure and Challenge for Bias

- A.** A member of the Planning Commission, or City Council or the Hearings Official shall not participate in any proceeding or action in which any of the following persons or business has a direct or substantial financial interest: The member or a spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which they are then serving or has served within the previous 2 years, or any business which they are negotiating for or has an arrangement or understanding concerning a prospective partnership or employment.
- B.** Disclosure.
 - 1.** To assure fair and impartial recommendations and determinations and to assure advocates the opportunity to respond or refute information which the hearing body has available to it, it is mandatory that full disclosure of pre-hearing (ex parte) consideration of all Type III and IV agenda items be made at the beginning of the public hearing. However, it is anticipated that members of a hearing body may ask questions of the staff relating to the staff report prior to the public hearing.
 - 2.** Members of the hearing body should avoid pre-hearing contacts so that their recommendations and determinations can be based solely on the evidence presented at the public hearing. If a public hearing is scheduled by another hearing body regarding a matter under the member's consideration, the member may attend that hearing provided only that the member does not engage in any conduct which would bias their decision.

3. Disclosure shall be made of any discussion between any voting member and an applicant or their representative or any other person with direct interest concerning a specific case that is scheduled or likely to come before the hearing body. The substance of any ex parte contact shall be related at the beginning of the public hearing and made part of the record.

C. Challenge for Bias.

1. Any proponent or opponent of an application may challenge the qualifications of any member to participate in the hearing and decision. Apart from a challenge based upon disclosure made at the time of the hearing, which may be made orally, the challenge shall state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member will not participate and made a decision in an impartial manner.

a. The written challenge shall be delivered to the presiding officer, and the member whose qualification is challenged not less than 48 hours preceding the public hearing.

b. The challenge will be made part of the record.

2. No member shall participate in a hearing or decision of an application when they have determined that they cannot participate in an impartial manner.

5.2-130 Duties of the Presiding Officer

The Chairperson of the Planning Commission is the presiding officer at all hearings before the Planning Commission. The Mayor is the presiding officer at all hearings before the City Council. In the absence of the Chairperson of the Planning Commission, the Vice-Chairperson shall act as the presiding officer at any public hearing. In the absence of the Mayor, the Council President shall be the presiding officer at all hearings before the City Council. The Hearings Official is considered to be a presiding officer. In the absence of the Hearings Official, a substitute shall preside. A presiding officer shall have the authority to:

- A.** Regulate the course and decorum of the hearing;
- B.** Dispose of the procedural request or similar matters;
- C.** Rule on offers of proof and relevance of evidence and testimony;
- D.** Take other action authorized by the hearing body appropriate for conduct commensurate with the nature of the hearing;
- E.** Impose reasonable time limits on those testifying; and
- F.** Rule upon a challenge for bias under Section 5.2-125.

5.2-135 Order of Procedure

A. Open Public Hearing. The presiding officer shall commence the public hearing by summarizing the rules of conduct and include the following:

- 1.** The nature of the application and the proposed use;
- 2.** The applicable approval criteria;
- 3.** The order of procedure;
- 4.** That the testimony and evidence shall be directed toward the approval criteria specified in Subsection 2., above or other applicable criteria from other planning documents which the person believes apply to the decision;
- 5.** That failure to raise an issue by the close of the record at or following the final evidentiary hearing with sufficient specificity to afford the Approval Authority and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals based on that issue; and
- 6.** That, unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing, the record shall remain open for at least 7 days after the hearing. An extension to allow the record to remain open shall not be subject to the limitations of ORS 227.178.

- B.** Disclosure of Conflicts and Ex parte Conflicts, if any. Inquire of the body whether any member wishes to abstain from participation in the hearing. Any member announcing their abstention shall not participate in the hearing, discussion of the question, or vote on the question. The abstention shall not prohibit the member from speaking from the floor in favor of, or in opposition to the proposal as a member of the public. Any member whose participation has been challenged by allegation of bias, prejudice, personal interest, or partiality, or who has been subject to significant ex parte or pre-hearing contact from proponents or opponents, may make a statement in response or an explanation for the record and their decision to abstain or not. Unless the member allows, this statement shall not be subject to cross examination, but is subject to rebuttal by any person.
- C.** Inquire whether there are any objections to jurisdiction of the hearing body to hear the matter, and if objections are received, conduct further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the hearing body lacks jurisdiction, (e.g., the necessary procedural requirements for an Ordinance have not been met). Any matter terminated may, if the defect can be remedied, be rescheduled by the hearing body.
- D.** Staff Report. Request staff to summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, and provide any other information as may be requested by the hearing body, including any written received correspondence. The staff report and any testimony will be part of the public record.
- E.** Request the representative of the Planning Commission or the Historical Commission to summarize the reasoning in support of their recommendation.
- F.** Applicant Testimony.
- 1.** The applicant shall testify on their own behalf, or by their representative.
 - 2.** Upon failure of the applicant or their representative to appear at the hearing, or upon their express waiver of presenting testimony and evidence, the hearing body shall consider the written application, plus staff materials, as presenting the applicant's case.
- G.** Testimony by Those in Favor.
- H.** Testimony by Those Neutral.
- I.** Testimony by Those Opposed.
- J.** Staff Summary. City staff members and representatives of other public agencies shall be afforded an opportunity to make presentations, following a summation by staff, as necessary.
- K.** Rebuttal by Applicant. Allow the applicant to offer rebuttal evidence and testimony and the opponent to respond to any new information presented by the applicant for the first time in rebuttal. The scope and extent of rebuttal shall be determined by the presiding officer.
- L.** Questions. In addition to the direct questions presented by members, direct questions of persons testifying be allowed by the presiding officer upon request by any person present. Persons having questions should state the questions and to whom the questions are addressed during their own presentation. Reply by the person to whom the questions are addressed may be made during the rebuttal period or as determined by the presiding officer.
- M.** Close Public Hearing.
- N.** Discussion of Policy Issues and Compliance with Adopted Plans, which may include questions of staff or the public.
- O.** Decision regarding approval, continuance and reopening of the record. The presiding officer shall conclude the public hearing and the hearing body shall deliberate on the proposal. The hearing body shall either make its decision and state its findings, which may incorporate findings proposed by the applicant, opponents, the staff, or the Planning Commission; or may continue its deliberations to a subsequent meeting, the time and place of which shall be announced; or, if requested by a party before the conclusion of the hearing, shall leave the record open for at least 7 days.
- P.** Continuance Procedures.
- 1.** Upon its own motion, the Planning Commission, Hearings Official or the City Council may order a continuance if the public hearing is not closed on the scheduled date or for other reasons. Unless waived by the applicant, any continuance shall be subject to the limits of the 120 Calendar Day Review Period as specified by ORS 227.178. At the time the continuance is granted, the time and place to which the hearing is continued will be announced. No further public notice under Section 5.2-115 will be required.

2. In the event that the applicant requests the continuance, the applicant shall stipulate in writing, consent to the extension of the 120 Calendar Day Review Period as specified by ORS 227.178, and waive any rights that may accrue to the applicant as a result of the 120 Calendar Day Review Period being extended.

Q. Participant request for Open Record. Unless there is a continuance as specified in Subsection P., above, if requested by a participant before the conclusion of the initial evidentiary hearing, the record shall remain open for at least 7 days after the hearing. This extension shall not be subject to the limitation of ORS 227.178.

R. Reopening the Record. When the Planning Commission, Hearings Official or City Council reopens a record to admit new evidence or testimony, any person may raise new issues, which relate to the new evidence, testimony or criteria for decision-making that apply to the particular application.

5.2-140 Burden of Proof

The burden of proof at evidentiary public hearings is upon the proponent of the requested action and is based upon specific criteria found in this Code or other applicable planning documents.

5.2-145 Record of Proceedings, Evidence and Summary of Testimony

All Public Hearings Shall be Recorded. A summary of all pertinent testimony offered at public hearings will be reduced to writing and made a part of the application file. All physical and documentary evidence presented will be marked to show the identity of the persons offering them and whether presented on behalf of proponent or opponent. These exhibits will be retained by the City until after any applicable appeal period has expired, at which time the exhibits will be released upon demand to the identified person.

5.2-150 Amendments and Suspensions

Any rule of procedure not required by law may be amended, suspended or repealed at any hearing by majority vote of those members present and voting.

5.2-155 Finality of Decision

- A.** All actions or decisions of the Director, Planning Commission or Historical Commission are final unless appealed or where the City Council is required to act.
- B.** All actions or decisions of the City Council are final, unless there is a referral back to the Planning Commission or Historical Commission or a continuance of a hearing or where a State agency or where Eugene and Lane County are required to act.
- C.** All actions or decisions of the Hearings Official are final.

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