City of Springfield

Regular Meeting

MINUTES OF THE REGULAR SESSION MEETING OF

THE SPRINGFIELD PLANNING COMMISSION HELD

Tuesday, June 4, 2019

The City of Springfield Planning Commission met in a regular session in the City Council Chambers, 225 Fifth Street, Springfield, Oregon, on Tuesday, June 4, 2019 at 7:00 p.m., with Commissioner Koivula presiding.

**CALL TO ORDER:**

Chair Koivula called the meeting to order at 7:00 p.m.

**ROLL CALL:**

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

Commissioners Absent: None

Staff Present: Comprehensive Planning Manager Sandy Belson, Assistant City Attorney Kristina Kraaz, Management Specialist Brenda Jones, Senior Planner Andy Limbird, and Community Development Director Tom Boyatt

Public in Attendance: Eleven

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Chair Sherwood.

**ADJUSTMENTS TO THE REGULAR SESSION AGENDA**

None

**BUSINESS FROM THE AUDIENCE**

The Commission will take business from the audience. Testimony will be limited to 3 minutes tonight. Commissioner Koivula said the Commission will not allow any discussion addressing the Plan Amendment or Zone Change, which appears on the regular agenda. If there are any other items the audience would like to address the Planning Commission on, please come forward. Hearing none.

**REQUEST FOR METRO PLAN DIAGRAM AMENDMENT AND ZONE CHANGE FOR 13.6 ACRES OF PROPERTY AT 522 AND 3530 GAME FARM ROAD, CASES 811-19-000065-TYP4 AND 811-19-000066-TYP3-**

Commissioner Koivula addressed the audience, that tonight the Commission is deliberating on a request for Metro Plan Amendment Diagram and Zone Change for the 13.6 areas of property at 3522 and 3530 Game Farm Road; 811-19-000065-TYP4 and 811-19-000066-TYP3. The Public Hearing for this item closed on May 21, 2019 and believes the written record also closed

Sandy Belson reminded the Commission that the General Public had 7-days to provide written testimony and the applicant had until tonight to respond as the final word.

Commissioner Koivula added that the applicant is complete with their response. At this point Commissioner Koivula declares the written record closed.

**COMMISSION MEMBERS DECLARATION OF POTENTIAL CONFLICTS OF INTEREST, DISCLOSURE OF EX-PARTE CONTACT OR BIAS**

Commissioner Koivula asked the other members of the Planning Commission if they had any potential conflict of interest or disclosures of any new ex-parte contact. Hearing none.

Commissioner Koivula asked if there are any persons that would challenge any Commissioner for Bias. Hearing none.

**STAFF REPORT**

Senior Planner Andy Limbird summarized what the Commissioners have before them this evening. After the conclusion of the Public Hearing on May 21, 2019 the Commission had submittal of oral and written testimony. There were additional items submitted during the extended written record for 7-days, which are in tonight’s packet, and as well the applicant submitted final rebuttal statements in the letter before the Commission this evening.

Staff is now requesting that the Commission deliberate based on the totality of the evidence. Staff can answer any questions they might have and would like to point out that at the conclusion of the hearing on May 21, 2019 the applicant made it very clear that they intend to re-develop the site at some point, and that it’s a matter of how the site re-develops. That has been reinforced in their statement before the Commission tonight, in their final rebuttal.

Staff is looking for a recommendation that can be prepared in a final report to be brought back for official approval, potentially at the Commission’s next meeting. If there is additional time that is required, we have as much time as the Commission needs and would be happy to provide any supplemental information; additional findings; or answer any questions in the meantime. It is a tall order before the Commission and staff is here to support the Commission in any manner necessary. Andy would like to encourage the Commission to deliberate on the matter, provide staff direction so they can bring a recommendation to the next meeting for adoption. The final recommendation is to be taken to the City Council on September 3, 2019.

Commissioner Koivula asked the Commissioners if they had any questions of Andy Limbird, hearing none.

Commissioner Koivula also asked the Commissioners if they had time to review the packet of information and reminded them that they have only one additional item that has been submitted to the Commission, which is the response from the applicant. He asked if the Commissioners felt comfortable reviewing the document now and then they could begin deliberations or would they like to delay and spend more time reviewing the document? General consensus, the Commission will take some time tonight to review the rebuttal that was turned in by the applicant tonight so they can move forward. @ 7:06 pm.

Commissioner Koivula recognized by nods that the Commission is ready to discuss, @ 7:12 p.m.

**PLANNING COMMISSION DISCUSSION; POSSIBLE QUESTIONS TO STAFF OR PUBLIC**

Commissioner Vohs, responding to the consultant’s document only, they’re expressing certainty that redevelopment will occur and it has been stated in the past and previous sessions that it could be a period of up to 10 years. Commissioner Vohs knows that in the past and other instances that certainty has become uncertainty, when there are changing economic conditions that may change the picture for this potential development and any other. He doesn’t completely concur with the thought that development or redevelopment will be a certainty but nonetheless, we have a basic set of facts that we are looking at in the broader picture. But in response to this document itself, he questions whether certainty really is 100% certainty. A year from now, economic conditions can be totally different than they are now and could have a dramatic impact on what happens moving forward.

Commissioner Koivula is in disagreement as to a clear line being drawn between their approval of the applications and the subsequent closure of the park. He thinks that if they were to decide to approve the zone change for the park it would tremendously increase the property value and also possibly the capacity for funding sources, either private or public for redevelopment. His feeling is without the zone change the potential for closure is certainly a lot less, based on his knowledge of construction and finance.

Commissioner Bergen questions the relevance of the study that was done in 2011, based on what the City has available for buildable land. The real estate market has changed dramatically, she is wondering if the study from 8 years ago is still relevant, looking at now as far as what we have available vs. what we had available in 2011, to allow them to determine if there is still land available. As she knows, with her background back in 2011, we had 8 months of inventory in real estate sales, now we have 1.7 which is a big difference. Average sale prices have increased over 60% in 8 years. She curious if this study from 2011 is still relevant for the Commission’s decision of what’s available. What they in the real estate industry call a “buyers’ market” - they had more reason to build at lesser market value, whereas now it’s a “sellers’ market” and has been for several years. Statistics show sellers are not going to have as much enticement to build for all the different varying incomes. She is curious if this is something they should continue to look at as a resource.

Andy responded that it’s the best comprehensive information that the City has. He can provide some anecdotal information about what has happened thus far as applications that the City has dealt with and processed for single-family and multi-family housing projects. In 2011 through 2013 Andy doesn’t believe that any subdivision lots were approved. After that the City has seen a tremendous uptick in the number of residential units. Development was all Commercial and Industrial post-recession and is now almost exclusively residential to catchup for that lag in the market and livability. There are a number of projects that are not yet been brought to market. These are things that are under construction: Apartments on “Q” Street; there is a project that was approved on 5th Street by Fred Meyer and subsequently shelved for a while; we have several subdivisions in different market price points in various stages of completion and eventual construction. Those are areas identified as being available inventory at the time. There are a couple of sites that are considered to be partially developed that are now being redeveloped, the 5th and Q Street; low income housing units that were opened on 10th and Main Street by St. Vincent De Paul. We have a full range of subsidized through high end housing that is actively available within the City. We have not achieved the same number of units or even the amount of land that we anticipated, so it’s less than the projected 2019 status of Buildable Land Inventory because we had a number of years where nothing was happening. If that’s information the Commission wants, staff could examine what the status was in 2011, look at what was approved from 2011 to present and then see if we can adjust the numbers accordingly to give an indication of where we are relative to the Building Land Inventory. What we do know is that there is surplus land available in all categories. There is not a need for a UGB expansion.

City Attorney Kristina Kraaz wanted to add that the 2011 Buildable Land Inventory is our acknowledged inventory. That is what the State has said is good for us to use for the planning period from adoption in 2011 through 2030. Circumstances change but we’re not obligated to continuously update those plans, it would be a lot of staff work and resources. We adopt a plan at a point of time and then we are entitled to rely on that acknowledged plan inventory. We have staff track changes to the inventory that have occurred through plan amendments and have shown that there is a surplus of Buildable Lands.

Sandy Belson added that she’s not sure she would say “surplus of Buildable Land”, but that we had enough Buildable Land to meet our projections.

Kristina responded that it’s a surplus of Low Density Residential, Sandy agreed.

Kristina added that there is case law on point that actually comes from Springfield. When the PeaceHealth Hospital site was redeveloped, a lawsuit went all the way to the Oregon Court of Appeals. The City’s findings did essentially the same thing that we’ve done here: track plan changes from when the inventory was first adopted through the time the Plan Amendment and Zone Change. The Land Use Board of Appeals (LUBA) concluded that the City didn’t need to update that analysis.

Commissioner Koivula believed that Goal 10 implementation guidelines call for a continuing review of housing need projections.

Kristina answered that the implementation guidelines are intended to help the City adopt comprehensive plans and to adopt those inventories. They’re not mandatory; however, it’s the States guidance. They are intended to be guidelines that guide the policies and implementation measures that the Commissioners are looking at as the criteria of approval for this type of application.

Commissioner Koivula understands, but Goal 10 itself is really a pretty small document. Here is a quote from Goal 10, “The plan should provide for continuing review of housing need projection and should establish process for accommodating needed revisions.” “Should” to him starts to have a little more weight even though we can say that it’s part of an implementation guideline.

Kristina directed the Commissioners to Goal 2, which talks about how those are titled guidelines A) Planning; B) Implementation, Goal 2 talks about how the State regulations are to be used.

Andy added that it’s important to note too, that the City is basing it on available land - not necessarily housing units available for market. So we have a number of approvals that have been issued but for whatever reason developers have not brought the housing stock to market. It’s not in a nice fluid smooth curve or upward type of a graph line, that is where the distinction lies in between what is perceived as a shortage of housing units; real estate market vs. what is actually available to build. There are several hundred housing lots, single-family lots as an example, that have been approved but haven’t been brought to market because they are still in construction or whatever stages of completion that various land developers are under right now. Those would be considered as part of the raw inventory and part of the tentatively approved housing stock. Hopefully they’ll come soon to help with the shortage of housing in this community.

Sandy added that in the beginning of the City’s efforts to look at housing as part of the Affordable Housing Strategy, they did take a look at the inventory and compared it to what development had occurred, what redevelopment had occurred. As Andy has shared, we found that the rate of housing creation has been lagging behind what the City had projected and so we are not growing as fast or using up land as fast as we had thought. Because of that, we determined we are still living in the bounds of this 20-year supply and that there is not a need at this time to redo the whole inventory and analysis and update our Comprehensive Plan accordingly. That time will be coming. As Andy also said, the land and housing do not necessarily correspond because there is a lag time when the housing units appear. This is something we are monitoring as suggested by Goal 10, just not in a formal adopted new plan way as a land use decision.

Commissioner Landen remarked that we have talked about the State Goals and you answered based on available knowledge. His question is more of a discussion question. Is it the property owner’s responsibility to personally be responsible for maintaining low income housing? If we don’t approve this zone change, it can still be developed as low income housing. In fact according to the letter it would likely speed that up, the site will be re-developed. He thinks that people are going to lose their places, but he’s not sure that that’s the Commission’s decision to influence. It’s more of a City Council issue. The Commission’s decision is, “Does it meet land-use requirements?”

Commissioner Gill agreed, “Does this plan meet land-use requirements but does the alternative meet land-use requirements?” She thinks that they have a decision to make here because there could be findings to be made for both. First, she would like to thank staff for the findings of the initial submittal, she thought it was very thorough and helpful and she thinks those findings are accurate. There are a couple she is challenged by because this is a zone change and not site plan development so not really knowing what it’s going to be but what it could be. When there are findings that say that this supports housing because they could put high density housing in there, that’s true, but we don’t know. They don’t have to put housing in there because it’s mixed use, they can put a lot of different things in there. Same for the tourism, we need the tourism and employment because we’re going to put a convention center in there. Well, they don’t have to put convention center in there. She finds that she is personally challenged by trying to make this decision on what might be because mixed use zoning allows a big variety of things vs. a known entity of housing. Clearly there is a whole plan about housing for the City, which is a huge issue. Even if the current housing that is there goes away, if it’s still zoned low density residential housing it’s still housing. It is potentially not housing if it’s mixed use because it could be a variety of things. She feels like there are some points under the residential land-use and housing element page 11.2 where it says, to protect and enhance its existing single-family neighborhoods and affordable housing stock that is a single-family neighborhood. So it will either be what it is, or if it redevelops to single-family neighborhood. She also wants to point out that she is a big supporter of Goal 1 which is public involvement. A lot of times we don’t have multiple components to look at and weigh against each other. We have had a lot of public input over this, she would like to weigh heavily hearing that public input and incorporating that in the deliberations. Often a decision is based on the [regulations] and there’s not a choice between a few things. This is a moment where public participation could be a critical component.

Commissioner Sherwood in response to Commissioner Landen stated there is policy in the Metro Plan. We have policy A20, which is in section Housing Types and Tenure, which says, “Encourage home ownership of all housing types, particularly for low income households”. Currently what sits on that land is a mobile home park, and those, if he is right, are only allowed in low density residential, not taking into consideration non-conforming uses. We are taking a piece of land that for a significant amount of time has been home to specific housing type and we would be re-designating it to a designation to which that housing type does not conform. In policy A25, which is in Existing Housing Supply and Neighborhoods, it says, “Conserve the metropolitan area’s supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocations of existing structures; traffic calming; parking requirements; or public safety considerations”. Commissioner Sherwood pointed out specifically: Conserve the supply of existing affordable housing. A method to do so is appropriate zoning, we’re talking about a zone change. He is completely aware as it’s been stated many, many times that the zone change, even if it’s not approved, even if it stays low density residential may not still have the same people, the same park, the same buildings. But as it stands, affordable housing or at least an older neighborhood exist. It says older residential neighborhood in A25, so if we re-zone we would be changing a plan for the City saying that we don’t plan for the City to have that there. We have zoning for a reason, we have zoning changes for a reason. He firmly believes that these policies are supposed to be applied to determine what we appropriately believe should be existing there. Yes, we can have non-conforming uses, we have heard that there are many non-confirming uses in Springfield, but what is the point of zoning if everything is a non-conforming use? He really thinks there are multiple policies that could be argued to support keeping this low density residential so long as the same neighborhood exists there.

Commissioner Landen said what he reads says, “Leave it LDR; we’re going to bulldoze it and put in houses.” If we can help the people there, that’s a nice thing. But if we can’t, whether it turns into apartment buildings or housing structures, it’s still housing, but we haven’t helped the people that live there now and in fact may hurt them by pushing them out.

Commissioner McGinley has a lot of quotes and they are all from the economic section of our Comprehensive Plan. She was looking specifically at plans to encourage more of these mixed-use developments and zoning. We have Comprehensive Plans and Refinement Plans and Zoning for a reason. We also have the ability to re-zone for a reason. The Economic portion of the Comprehensive Plan is anticipating that there are land inventories for employment that will not require vacant land, 22% of that is potentially re-developable land. There is a need for large sites with highway access; large is defined as greater than 20 acres. There seems to be a surplus of 5 acre sites, there needs to be those larger sites. This specific site is 13 acres but is still larger than the 5 acres. There was a quote, “it is clear that these businesses will not locate in Springfield if land is not available for development regarding those sites larger than 5 acres.” The plan also calls to “encourage more efficient land uses including higher density development where appropriate and promote nodal development and mixed use development.” There are also environmental goals: “encourages land use policies that foster higher density development and redevelopment along transit corridors and mixed use compacted development patterns will allow more residence to meet there daily needs without driving and to reduce household transportation costs. A more substantial portion of those saved dollars can be spent in the local economy where they have economic multiplier effects.”

There is a goal in the Springfield Economic Opportunity Analysis, page 40 of the .pdf version, number 3 calls for us to use land within the Urban Growth Boundary efficiently. You’re promoting re-development, infill development and dense development in nodal areas. Also on .pdf page 50, regarding the employment that will not require vacant land, 21% of new employment, so 2,921 new employees will locate on re-developable sites. This assumes that there will be 342 commercial and mixed-use sites over the planning period, through 2032, looking for sites greater than 5 acres. Those are the supporting policies of the Economic portion of Comprehensive Plan that will need to be supported with the rezone to mixed use commercial.

Commissioner Koivula added that there is actual discussion in the Gateway Plan and the Springfield 2030 Plan. It lists target densities for single-family residential and at current conditions with the Patrician Mobile Home Park it is greater than those densities that are specified for single-family residential. Even though it was built in 1972, it exceeds the current as-constructed densities of new single-family residential by a significant amount.

Commissioner Koivula also added that the City Council had a work session to talk about their priorities for economic development and one of their top priorities was a conference center perhaps a hotel nearby. He knows it’s meeting a lot of the City Council’s goals as well.

Commissioner Gill added that on to the City Council Goals for a conference center and hotel, there are City resources looking at that development in Glenwood.

Commissioner Sherwood in circling back to the discussion about meeting policies for plan changes, he wants to be clear. He is not arguing that there is a motivation to move where people are living or not move where people are living. He is talking purely about meeting a policy. He is not trying to meet a policy in order to see the vision he wants, he’s trying to meet a policy because he can see that it’s in the Metro Plan that specifically lays out what we’re supposed to do with older residential neighborhoods and what we’re supposed to do when we see existing housing.

Commissioner Sherwood says there is another policy that he wants to put out there, A26 directly following A25, also in existing housing supply neighborhoods, “pursue strategies that encourage rehabilitation of existing housing and neighborhoods.” Rehabilitation of existing housing to him does not mean replacement of existing housing. Many of these policies are circling around the point, that the way to develop is to increase the amount of housing by further development, not by replacing the already existing housing that is already been paid for, already been developed, already has been placed, replacing that with new housing in the same spot. Can you reach a higher density there? Sure, but there is also plenty of developable land that could be used for further developing housing. It seems to him that the Metro Plan clearly wants us to preserve the existing housing and place housing in other areas zoned residential where there is not existing housing. It doesn’t make much sense to work against the policies that are clearly defined for what to do with the existing housing and affordable housing. We’re supposed to encourage ownership of all housing types. Rezoning a spot where that housing currently is just doesn’t make any sense.

Commissioner Landen asked, if we don’t rezone mixed-use commercial, does the housing get preserved? By the landowner’s declaration, no, it’s going away. The question is, now what are we going to do.

Commissioner McGinley stated it is her impression that if the re-zone is denied, this parcel will be re-developed with a subdivision; and with subdivision low-density residential site requirements, there will be less density on this land. It will be newly built housing if re-developed into a subdivision, which would reduce the housing supply. So either way, the housing supply and the density of housing will be reduced. We have the option of a new subdivision or mixed use commercial. We won’t be preserving affordable housing - the applicant made it clear that they will re-develop the land.

Commission Koivula responded that the decision is a re-zone, not whether the housing is kept or not. The Commission’s decision should be based on the Comprehensive Plans including the Economic Element and all of the other plans, Goal 10, Metro Plan, Springfield 2030 Plan, and Gateway Refinement Plan. The staff memo said to judge and balance those and say, “Do we think this meets a preponderance of those plans or do we feel that it doesn’t meet a preponderance of those plans?” The concept of whether the Patrician Mobile Home Park closes is not part of the Planning Commission decision.

Commissioner Vohs, looking at the re-zoning, looking at the criteria that applies to the rezoning and the findings that address the criteria, he will be approving the rezoning and the plan amendments. However, we are all aware that there is also a human element that is involved that is beyond the official legislature decision, which Mr. Koivula just addressed. He thinks that it bears repeating that what the decision will be is a recommendation to the City Council. The City Council can agree with our decision, disagree with our decision and can modify our decision. He thinks it’s just as well, because the Council in the past discussed the issue of mobile home park closures. No doubt that will be part of their discussion. He would like to suggest that the Commission include in their recommendation a statement of our thoughts regarding the impact that this decision will have on the people that live there. That could be included in our recommendation as a guiding factor in their discussions.

Commissioner Bergen pointed out that communities across the country are making sure that communities, especially ones of our sizes, are not just growing but growing smart, growing with intention, preserving the community feel that we have. She thinks that as Planning Commissioners we have this great opportunity to decide what smart growth looks like for Springfield. If it meets the criteria exclusively or potentially meets the criteria, we should keep in mind as growing for the sake of growing or growing smart for our community that we have already established.

Commissioner Sherwood responded that the applicant’s rebuttal has made it clear that two (2) things will happen. Whatever those two things are is extraneous information, because what we know for sure is what sits on the plot, and what sits on the plot is existing housing. It’s not our decision what could potentially be put there so long as the policies support the current zoning. If the applicant had already evicted and removed the park, and we’re talking about empty land with no housing on it and they applied for a zoning change, he doesn’t know that these policies would apply anymore. The existing state of the property these policies do apply so he really wants to drive home that he hopes that all of the Commissioners are considering what the current state of the property is, not potential site development plans that haven’t been submitted.

Commissioner Koivula stated that not all of the Goals and Policies can be met to the same degree in every instance and recommends balancing different parts of the plan. There are fundamental parts of these plans that bear on the applications. Goal 10 “provides for the housing needs of citizens of the state. …to provide housing commensurate with the financial capabilities of Oregon households… ” It defines needed housing units as housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels.” It also includes “…manufactured homes whether owned or rented.” It states that elements of the Comprehensive Plan should at a minimum include the vacancy rates, rent ranges and cost levels. He agrees with Commissioner Bergen regarding the housing changes from 2011 to 2019 are really significant. He knows a lot of people who are employed and are couch surfing or unable to find housing. He knows young people are having trouble finding housing as well. Housing has changed tremendously since 2011.

Implementation of Goal 10 does call for continuing review of how we meet these needs, to know whether we have a sufficient inventory of all of our land to build the housing. If Goal 10 calls for a continuing review of housing needs projections, he believes it’s time to take another heavy look at the inventory. Goal 10 also states an implementation guideline, “...consider low income households, the impact on low income households prior to zone changes.” Looking at the Gateway Refinement Plan, the Patrician is shown on the diagram as LDR and listed as part of the Game Farm Single-Family Subarea. The plan calls repeatedly for preservation of existing housing in neighborhoods in that area. It says development should be required to mitigate impacts on neighborhoods, maintain the Refinement Plan’s high quality of life, community conditions. The Commercial Element calls for minimizing conflicts between commercial and residential areas and it actually calls for further commercial development in an area East of Game Farm Road from Harlow to North Beltline. That’s a lot of land that this plan calls for re-development. It didn’t call for it in the Patrician Park. He knows there would be a lot of people that would like re-development there. Again, the Commercial Element calls for minimizing conflict between commercial and residential areas and even the Industrial Element calls for minimizing conflict and says that more intense new development needs to fit into the area.

Springfield 2030 Plan talks about demographics of age and income; all of the plans mention demographics. The residential survey that was provided to the Commissioners by the residents covered 30% of the residents. It’s the only information the Commissioners have and it does show elderly low income and very low income residents and also medically fragile. The Metro Plan goal says, “Provide viable residential community so all residents can choose sound, affordable housing that meets individual needs” and the need to provide the range of housing for people of all income and household types.

The 2030 Plan discusses aging populations, smaller household sizes. Single-family houses continue as the preferred housing type and these are increasingly expensive and are now out of reach. Despite these trends the City wishes to encourage home ownership opportunities in order to provide a sense of community and to encourage investment in housing and minimize displacement of low income residences. The City has an interest in safeguarding the condition and quality of the housing stock and in maintaining neighborhoods. The 2030 Plan lists actions to identify and collect baseline data of the existing supply of affordable housing units, physical locations and their surroundings; and to develop strategies and programs that support the repair, preservation, and improvement of the existing supply of affordable housing stock and the enhancement of existing affordable neighborhoods. It also calls for action to protect and enhance existing single-family neighborhoods and affordable housing stock in the incorporated areas of Springfield. These are all direct quotes. To promote affordability in coordination with transit plans and in proximity to transit stations. Continue to update existing neighborhood refinement plan policies and prepare new plans and emphasize the enhancement of residential neighborhood identity, improve walkability and safety, and improve convenient access to neighborhood services, parks, schools, and employment opportunities. All of these are significant parts of these plans and are repeated over and over again from one plan to another. They all mention these issues and concerns and he feels the emphasis that these plans place maybe part of deliberations.

Commissioner Vohs wants to remind everyone of the definition of a “Goal.” A goal is something that we strive for but not necessarily always meet. He believes there are a lot of goals and a lot of areas that are desirable to obtain those goals. It is desirable to strive for those goals without necessarily always meeting the final desired result. He believes there needs to be some context to the word “goal” which is coming up over and over again.

Commissioner Sherwood responded that Oregon Statewide Planning Goals, they are called goals, but you have to determine whether approving or denying an application better meets that goal. You can’t always meet every part of a goal but you can determine which decision will come closer to meeting it.

Commissioner Vohs added that one example Mr. Limbird touched on is that having an x amount of acres available for residential development does not mean that it is available. If that land owner does not want to have development on his property, then you can have that counted as part of the inventory but it won’t do you any good as far as creating housing.

Commissioner Bergen commented that all of the points that the Chair had made; these were all directives in plans that City Council approved. She can interpret them as directives the City Council wants the Planning Commission to follow.

Commissioner Landon understands that they have goals on low income housing. He thinks it falls to City Council. Mobile home parks are going away because there not as profitable as single-family housing, mixed use or commercial. There’s a part of this that really falls to the City Council to make the call. He doesn’t know if that is something the Planning Commission can really decide as a Planning Commission.

Commissioner Koivula reminded the Commissioners that the Planning Commission’s role is to make a recommendation to the City Council.

Kristina explained to the Planning Commission that staff was hoping to get more direction from the Planning Commission in terms of what they want to show in the findings.

Commissioner Sherwood mused that if the Commission chooses to have findings in support, he imagines that in this process the Commission needs to discuss what we want those findings to be. Normally we would make a motion and then second it and then vote on it, whether to approve or deny and usually there is no complication because we accept staff’s findings or add extremely simple conditions. Being that we may be adding more complex findings, is it appropriate to find a consensus before making a motion with findings?

Kristina explained that the common way that parliamentary procedure works is that before you have had any discussion there would have been a motion placed on the table. The Commission could make a motion to approve or deny and then have discussion and debate on that motion including amending it as you go to add findings. If you wanted to make a decision you could also have discussion and direct staff more broadly as to the findings that you would want to add and staff could work on drafting those in an amended staff report for your deliberation and vote at a later meeting. Either of those is permissible. Depending on where you are going with it, it may be a heavier lift to articulate all those findings the Commission wants and to actually make a motion and vote tonight. On the other hand, if there are minor changes or no changes to the staff report before a vote and recommendation, you may not need that extra two (2) weeks. As Andy has said, we are not on a time line; Council won’t pick this up until September 2019.

Commissioner Sherwood asked if the Commission asks staff to draft findings, his assumption is that those findings will be in support of a decision one way or another. If the Commission doesn’t make a motion and we don’t make a decision tonight, and we asked staff to come back to the Planning Commission with findings we would still have to have a general idea of consensus one way or another, regardless of whether or not we approve or deny.

Kristina explained to the Planning Commissioners that they have option to straw poll, which is not a legally binding vote, but an unofficial action of the Planning Commission and may help the Commission get a better idea of where they are.

Commissioner Koivula asked if it would be necessary to have findings to make a decision. Could the Commission recommend to the Council, based on our discussion?

Kristina answered that the Council’s final decision has to be supported by findings addressing the criteria of approval. In terms of helping the Council makes sense of your recommendation; the best practice is to give the findings that support your recommendation as if it were your decision.

Sandy added, if the Commission can provide the rationale for its direction, that’s basically helping staff know the basis for the Commission’s decision and from that staff would craft the findings and cite the criteria of approval that the Planning Commission thinks carries the weight to be able to support the rationale for the decision you ultimately want to make.

Commissioner Gill stated she doesn’t want to ask staff to do more work than they have to. She senses a split within this Commission. She has found that the last couple of meetings the additional information provided by staff in responding to questions from the hearing to be really useful. She feels it would be valuable for her to see what findings would support some of the specific points that Commissioner Sherwood and Commissioner Koivula spoke too.

***Commissioner Landen moved for an approval with a finding requesting City Council to provide more specific guidance on how to deal with this existing low income housing. Motion died for a lack of a second.***

Commissioner Sherwood expressed that the Commissioners’ job is to make a recommendation to the City Council, with expectation that we believe that’s the best recommendation for them moving forward. Whatever recommendation we make we would hope that that would be what City Council moves forward with. The idea of pushing something forward to Council without being entirely sure of our decision, sort of contradicts the Commission’s existence. He thinks that they really need to focus on making this decision that the Commission thinks the City Council, as our Legal Counsel said, can put through without having to amend. If they do chose to amend it, he’s in support of that, it’s the City Council’s right to do so. The Commission should do their absolute best effort to give them a recommendation that they don’t need to amend.

Commissioner Landen shared that he works at RiverBend. In pointing to the map he conveyed that he would certainly feel very comfortable with mixed use commercial as far as being consistent with the neighborhood and where the neighborhood in the area is going.

Commissioner Vohs asserted that he doesn’t think the Commission will ever reach a point where they can agree on findings that apply to every one’s position. It’s either a matter of referring back to the record of our discussion and then incorporating everything that has been stated in the discussion, or simply stating this is what our decision is.

Commissioner Koivula replied that that is why he asked if the Commission needed findings or could the Commission say there was a vigorous discussion and an extremely split decision.

Commissioner Vohs said the record of our discussion will be part of the public record, which they would look at.

Commissioner Koivula offered a correction to the written record. It’s something he wants to add this into the public record. In the Commission briefing, that was given to the Commission on May 21, 2019 on page 2 of 12 under testimony of Mr. Wingard, of the Department of Land Conservation, the memo said, quote, “that the applications meet the applicable Statewide Planning Goals, and the application addresses Statewide Planning goals.” However, these statements are not in the record of the testimony or in the approved minutes. Commissioner Koivula needs today’s record to reflect that. For those who want to verify this, the recording of this testimony was for meeting 5/7/19 and begins about 43 minutes into the public hearing. The statements that are in the briefing memo that say that the applications meet applicable statewide goals and the application addresses statewide planning goals, neither of those statements were in the record.

Commissioner McGinley added that balancing the Goals and Plans, housing is extremely important. She is a renter. She has so much sympathy about the lack of permanence of renting land or renting a place. She doesn’t know if her housing is guaranteed after her lease is up. It’s essential to have housing options and to balance Goal 10. It’s also essential to have jobs that give you the ability to afford those housing options. It’s up to our interpretation which goals to balance, but there are two sides to that problem. Our community needs more housing and our community also needs more jobs. So it’s a matter of interpretation.

Commissioner Bergen responded to Commissioner Landen’s statement about what the map looks like currently. He had mentioned that it’s industrial, but it’s actually very residential. Most of that block that we are looking at (Game Farm Road, Beltline Road) about 2/3rds if not more is all residential. Directly across from Beltline Road continues to be residential. To say that it’s industrial might be inaccurate; it connects between residential and industrial.

Commissioner Koivula added that the parcel is shown as part of residential block including a lot of land south of Beltline Road.

Commissioner Sherwood recommended that the Commission take a straw poll regarding both applications. All Commissioners agreed.

**Approve:** Landen; McGinley; Vohs

**Deny:** Koivula; Sherwood; Gill; Bergen

Commissioner Koivula confirmed the Commission has a 4 deny to 3 approve poll. He believes that the majority rules, so he recommends staff begin to prepare findings to deny based on the Commissioners’ discussion. Once the Commissioners have findings, then the Commission would have a final vote.

Kristina communicated that recommending denial, staff would want to provide findings on whether this is based on, as Commissioner Sherwood raised, an existing residential neighborhood or is there a finding that this is affordable housing, because she believes those are different findings. She requested direction from the Commission regarding the facts and policies that are the basis for their recommendation.

Commissioner Sherwood responded that his biggest piece of evidence was the older residential neighborhood, being that if you look at the whole picture, older is not a well-defined term. What he thinks is older is it would be older than those houses surrounding it. If you look at a picture you will see that this is one of the first neighborhoods in the area. When it was developed everything else looked like empty agriculture land; he thinks of this as older. As far as affordable goes, he is aware that they have a definition of affordable and he is also aware that we have a lack of information on whether or not this housing could be considered definitively affordable housing due to the fact that we don’t know how much their rents are, their utilities are, and how much their individual mortgages are. He questions if to determine affordable housing we would have to know their incomes, or we would just have to know how much they are paying for housing as compared to average median income?

Sandy responded that there are two questions. One question would be whether the housing itself is affordable to a low income person based on the average median income in the city. The other question is if the residents living there are low-income. So it depends on whether you’re looking at the household or if the housing unit is affordable to a typical low income house.

Commissioner Sherwood said for the policies that he referenced that include affordable housing, there is not mention of people in need of specific levels of housing or at-risk households. For that, the Commission would need information of how much it cost to live in these houses. Sandy agreed.

Commissioner Sherwood asked legal to correct him if he is wrong. He understands that because this is an application for a rezone, the burden of proof is on the applicant. Therefore he is inclined to say that the applicant needs to show that they are not displacing affordable housing? They need to state why they are in line with policies. If there is housing on land, we need to know that it’s not affordable housing. He does understand that they don’t necessarily have access to mortgage documents, but it would be helpful if the average rents were furnished. In the Planning Commission documents for tonight, they couldn’t give information from the applications about the residents. He understands that that information is confidential, but he doesn’t see any reason that average leases or rents couldn’t be furnished. Regardless, he still sees this as older housing regardless of whether or not we’re putting affordable housing in the findings.

Commissioner Koivula gave direction that findings prepared would be based on the overwhelming evidence of rehabilitation, protection of existing homes. There are different parts of the plan that he thinks the rezone does not support.

Kristina asked for clarification that the findings would be based on an established, existing residential neighborhood rather than affordable housing policies.

Commission Koivula replied he did include affordable in his discussion. He believes that there is a lot of information in the plans: Protection, preservation, mitigation there is a lot of factors in the plans that are mentioned over and over.

Commissioner Vohs asked if the findings are going to be based on the thoughts of the majority, or the majority and the minority of the straw poll.

Kristina answered that it dependent on what the majority of the Commission votes to include.

Commissioner Vohs said the minority positions of thoughts are not necessarily reflected in the plan.

Kristina reminded the Commission that the entire record is forwarded, so everything that has been in the record and all of the discussion and everything in the original staff report will go to the City Council as part of the record to be forwarded. Whether specific findings are adopted and supportive of the recommendation of the majority, it’s up to the majority that vote and moves to recommend approval based on the findings in whatever form they are.

Commissioner Vohs asked if it would include both positions.

Kristina answered, if that is what the majority votes.

Commissioner Koivula asked if there has ever been a minority position or a minority paper prepared.

Kristina said it’s not in our code, she has not personally experienced where we had a minority report, but she doesn’t see where it precludes having a minority opinion, either.

Commissioner Koivula recognized the truth and positions of Commissioner McGinley. It’s very understandable, economics and jobs.

Commissioner Gill asked if perhaps there is a way to address in the findings the fact that we do have these economic findings that are supported. What was submitted to the Commission with the staff’s findings is supported. Those are accurate but somehow use the findings around housing and address that there is a decision being made to weigh one – housing – over the other.

Kristina feels that would be perfectly acceptable to include findings that say these facts are in support of these policies and these facts are in support of other policies and a finding that the majority of the Commission has weighed some findings more heavily or importantly. And that, for that reason, the application is not being recommended, as the application would not meet the applicable criteria. Commissioner Gill thought that would be a very helpful way to go about it.

Commissioner Sherwood, building on the comments from Commissioner Gill, thinks it would be useful to the City Council to see the findings for housing and findings for economic development and to make it clear to the City Council that the Planning Commission weighed the housing heavier than the economic development. He would caution that the Planning Commission’s findings should not include any potential site plan and development evidence. He understands the value in saying, if it’s mixed-use commercial that can allow for additional development, but not to specifically weigh what has been presented to the Planning Commission as opportunities on a specific basis.

Commissioner Koivula supports Commissioner Sherwood’s rationale.

Commissioner McGinley commented that the Land Use Board of Appeals website is very difficult to search as far as specific topic. Does Kristina know of any LUBA decisions that regard re-zone from residential to commercial or mixed-use commercial?

Kristina answered that she knows that there are at least re-zones from residential to a form of mixed-use in the city’s own Glenwood Refinement Plan - that was a change from the existing residential. Some of the manufactured homes there were zoned residential and were re-zoned to mixed-use. They may now be mixed-use residential. In researching and preparing for this hearing, she did not find any relevant LUBA case law that touched on a Plan Amendment and Zone Change of a current manufactured home community into something else that would be relevant to the Commission’s deliberation.

Weighing our own policies, no other jurisdiction has the City of Springfield Comprehensive Plan, Metro Plans and Policies. Case law from other jurisdictions is probably not going to be as helpful, because there are different policies. There is definitely case law on how to make legally defensible decision on what those policies are, we talked about that at one of the Planning Commission’s Work Sessions two weeks ago, but she thinks that the process the Commission is discussing by including both sets of findings but ultimately the majority findings would meet that. If the Council were to uphold that or incorporate those findings it’s their decision that would be a legally defensible decision.

Commissioner Sherwood asked, since we are discussing findings, if agreeable to the rest of the Planning Commission, he would direct staff to cite policy A-25, A-26 and A-20 of the Metro Plan and discuss the findings and policy A-20 to encourage homeownership of all housing types particularly the low income households. We have not determined for sure that all of these are low income households but we do know that some of them are based on the survey. It doesn’t preclude the rest of it if they are not low income households; it just says “particular.” Regardless if all of them are low income households, we should be encouraging all housing types. The idea is that a mobile home park is homeownership, whereas many other low income opportunities for housing are not homeownership. Although it is possible to have condominiums, own your own apartment, it’s not as popular a mode of living in our area.

Policy A-21 “Allow manufactured dwelling parks as outright use in low-density residential zones if the local jurisdiction prescribed standards are met”. It’s already a low residential zone and yes we meet the requirement there for allowing them. He thinks the fact that the Metro Plan specifically calls out manufactured dwelling parks as something to allow shows the intent to protect these living situations.

Policy A-25 “Conserve the metropolitan area’s supply of existing affordable housing and increase the stability and quality of older residential neighborhoods, through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support planned densities in these areas”. This is an older residential neighborhood and we would be increasing stability and quality of older residential neighborhoods through appropriate zoning. Stability being their ability to continue.

Lastly, Policy A-26 “Pursue strategies that encourage rehabilitation of existing housing and neighborhoods.” It specifically said “rehabilitation” not replacement. They don’t want to get rid of existing housing neighborhoods; they want to build it back up, which is typically more costly. We heard testimony that multiple people were working to rehabilitate their own homes in this park, it sounds like they put in a significant amount of investment.

Commissioner Bergen asked if after staff adds more findings that the Commission is looking for, will the Commission make a formal recommendation at the next Planning Commission meeting.

Commissioner Koivula hopes that the Commission gets staff to respond to the Commissioners by email so everyone could review the findings as written and then perhaps make suggestions.

Kristina reminded the Commission that would be a public meetings violation. Staff can send information out to the Commission but if we were to send information to the Commission and then each Commissioner individually replied back, hence that would be deliberating outside a public meeting.

Sandy communicated that it may or may not be completed by the Commission’s next meeting; it depends on how quickly staff can pull it all together, but no promises that it will be ready for the next meeting. At the meeting, if there are changes the Commissioners want to make we can make those at that time, before you formally adopt the findings that you want to forward to the City Council.

**REPORT OF COUNCIL ACTION**

Commissioner Sherwood was not able to attend the work session on May 27

Commissioner Vohs attended the June 3, 2019 meeting

**UPDATE OF OTHER COMMITTEES THE COMMISSIONERS ATTEND**

Commissioner Vohs and Koivula attended the CDBG meeting.

**BUSINESS FROM THE PLANNING COMMISSION**

None

**BUSINESS FROM THE DEVELOPMENT AND PUBLIC WORKS DEPARTMENT**

Brenda talked to the Commission about up-coming meeting and rescheduling their summer break.

**ADJOURNMENT**

The meeting was adjourned at 9:30 p.m.

Minutes Recorder – Brenda Jones

Attest: Approved by Planning Commission on \_\_\_\_\_\_\_\_, 2019

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Brenda Jones Michael Koivula

Management Support Specialist Planning Commission Chair