

City of Springfield
Work Session Meeting

MINUTES OF THE WORK SESSION MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JULY 12, 2004.

The City of Springfield council met in a work session in the Library Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, July 12, 2004 at 6:30 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Woodrow, Lundberg, Ralston and Fitch. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Attorney Meg Kieran, City Recorder Amy Sowa and members of the staff.

1. Joint City Council and Lane Transit District (LTD) Work Session.

The Springfield City Council and LTD Board members took a tour of the new LTD South A Station from 5:30 – 6:15 pm. They arrived back at city hall at 6:15pm for a light dinner. The work session followed at 6:30 pm.

The City Council and LTD Board conduct a joint session every two years or when needed. The previous joint meeting was held on June 17, 2002. At that meeting BRT Phase 1, the Pioneer Parkway Corridor and the Springfield Station were discussed. The purpose of the joint meeting on July 12 is to provide updates on the Springfield Station, the Franklin EmX project, and the Pioneer Parkway EmX plan. The meeting included a tour of the Springfield Station project. LTD staff will present current information about the Franklin EmX project with emphasis on the South A and Glenwood improvements that are scheduled for 2004-06. LTD is targeting 2006 as the official opening of the Franklin EmX line. LTD staff is also working on the Pioneer Parkway EmX Environmental Impact Statement (EIS). In the coming year city staff will be reviewing and analyzing the EIS reports that will most likely contain impact and mitigation measures along Gateway and Harlow roads. City staff will be interested in how the Pioneer Parkway EmX line is planned for the Gateway/Beltline intersection, RiverBend street system, and the Martin Luther King Jr. Parkway.

LTD Vice-President Susan Ban introduced the Lane Transit District Board members who were present. They were members Hillary Wylie and Dave Kleger.

Mayor Leiken said it has been nearly two years since the last joint meeting with the City Council and LTD Board. He thanked LTD Board members for joining the council at city hall for this meeting. He said he enjoyed the tour of the South A Station. It has been fun to watch the station grow and to see how far it has come. Mayor Leiken gave a special thanks to Charlie Simmons, Facilities Services Manager from LTD. He noted this was the first newly built project in nearly thirty years in the downtown area. He turned the meeting over to Ms. Ban.

Ms. Ban asked if there were any other questions and comments regarding the South A Station. She also thanked council on behalf of the board for hosting the joint meeting.

Councilor Woodrow said the station is coming along great and looks very nice.

Mr. Kelly said driving by the site, you get a feel for it, but you don't get the depth until you actually go onto the property. It is much larger than it looks from the road. There will be even more to it once the Park-N-Ride is developed. It is a very nice amenity to the downtown area.

Mayor Leiken said this has been a good cooperation between the city and LTD, especially on the funding aspect on this project. The agencies have worked together in United Front to work with our congressional delegation to bring this project to completion.

Ms. Ban said it has been a great partnership and hopes to continue to have future partnerships.

Councilor Fitch asked for an update on the leasing of the building.

Mr. Simmons said they have had one proposal and other parties that were interested, but they do not have a proposal they can take forward to the board. They are working hard to find stable and quality businesses. He said city staff helped to brainstorm ideas of possible businesses.

Mr. Kleger said LTD was not sure they were going to be able to get the Park-N-Ride when they first started. The city's help was considerable in that area.

Ms. Wylie thanked LTD staff for their efforts in helping with the Park-N-Ride.

Councilor Lundberg said it is an asset that the station has a park-like setting and that should be known to the public. It is a nice place to be and has more potential than it appears. She is hopeful that people take the time to come down and see it in its entirety. It fits with what the city is trying to accomplish, particularly around the MillRace, in bringing the natural environment into our urban setting.

Mr. Kleger asked if there was a date for an opening ceremony.

Mr. Simmons said they were working to find a date when Senator Smith could attend. September 18 could be a date for a grand opening for the public.

Ms. Ban said the first item on their agenda was the Franklin EmX.

Mr. Kleger said this project has been very complicated involving the two cities, the state, and the transit district. It took a long time to get to this point and has not been simple. At this point, LTD is beginning utilities relocation on both sides of the line. Springfield Utility Board (SUB) will be moving its utilities on the stretch of the corridor between the new station and the bridge in about two weeks. That project will go forward as quickly as possible because LTD needs the lane along the south side of South A to make the station work properly in September. That relocation will involve both counter lines and the water line relocation. The water line relocation needed to

occur anyway and this will allow it to be done at the same time to reduce the interference to the general public. There has been great cooperation with Springfield staff and leadership. LTD will be doing development work for the next two construction seasons and will go into operation of the Franklin EmX corridor in the fall of 2006. The vehicle has been selected and a Memorandum of Understanding between LTD and the manufacturer, New Flyer, has been signed. They are in the process of price negotiations at this time. There is a list of things in the agenda packet of the things LTD has achieved and some of the things they have not yet achieved.

Mr. Kleger discussed some of the issues with the vehicle. They are keeping their options as open as possible for future accessories. He discussed doors on each side of the vehicle which allows them to have a smaller footprint for the lines.

Councilor Ralston said there are seven properties that need to be acquired for the Franklin corridor. It is noted that agreement has been reached with five of the properties. He asked about the status with the other two properties.

Mr. Kleger said the two could be taken by eminent domain if no other solution can be found. It is unfortunate that it needs to be done at all, but is necessary to get the bus lanes out of the stream of traffic. LTD is actively in negotiations with the property owners and is making some progress.

Councilor Ralston asked which two properties are affected. He was interested to know because he is often confronted by citizens regarding these situations.

Mark Pangborn, Assistant General Manager from LTD, pointed out the properties affected on South A Street. One is Coen Motorcycle Shop and the other is a vacant property. LTD would buy just a small portion of each property to allow room for their lane, from three to six feet wide.

Councilor Fitch said the Franklin corridor was a compromise with the concerns of Glenwood residents and businesses. There is a need to get traffic through that area, but as the area redevelops, things could change drastically. Not forcing the exclusive right-of-way at this time was the best move allowing for that transition.

Mr. Kleger said the critical thing is to get there at some point.

Discussion was held regarding exclusive right-of-way.

Councilor Ralston said he is opposed to dedicated right-of-way for ridership.

Mayor Leiken commended the LTD Board for their efforts which allowed everyone to come to an agreement. LTD is looking at a vision, but there is a reality right now. It is worth looking to the future. He discussed the growth that is going to occur.

Mr. Kleger said over the last ten years, they have had routes through parts of town with the heaviest development. That has caused as much as a twenty percent running time loss, which has cost LTD a great deal of money. Congestion has been the vast majority of the problems brought on by the construction and development in these areas. Other fixes lose their effectiveness over

time if the buses cannot get out of the stream of traffic. As the bus system gets slower, so does the rest of traffic.

Mr. Hamm added that one of the priorities of the LTD Board is to enhance the corridor for all forms of traffic, not just the bus. They believe the exclusive lane takes the buses out of traffic and frees the curbside lanes to allow other traffic to move more smoothly. In many locations, the right-of-ways were established for whatever was developing there at the time. Today there are different demands on that utility and it needs to be expanded. The LTD Board doesn't like using eminent domain any more than anyone else. At the same time, looking to the future, there may not be the possibility as permanent structures are put in place or the cost is too high to accomplish gaining right-of-way. He noted the cities of Seattle and Wenatchee which are paying those types of prices now. The community has looked at ways to move traffic. LTD hopes that over time traffic counts in auto lanes and transit lanes will show improvement. It is a vision which is often hard to sell.

Ms. Ban said this is a vision they hope serves the community for twenty to thirty years. The board has given staff direction to look for opportunities now that will protect the community's interest in efficient transportation. Ms. Ban said the next item was on Pioneer Parkway.

Mr. Hamm thanked council, Mr. Kelly and city staff. Although they don't always agree, he and staff are always able to pick up the phone to discuss these issues. He said they appreciate that relationship and want to build on that. He discussed some of the highlights of the Pioneer Parkway. LTD went through the public process, formed stakeholders' committees for different sections of the corridor and over time a preferred design and alignment was selected. LTD has a requirement by the Federal Transit Administration to go through an alternatives analysis. The analysis takes about two years to complete. That Environmental Impact Study (EIS) should be completed early in 2006. In the meantime, they are trying to find ways to secure funding for the Pioneer Parkway. The transportation bill is not yet authorized, but LTD is positioned to do their best to fund that corridor. That is the major priority for LTD Board and staff. They are looking to participate with public and private partners in terms of using in-kind services and right-of-way commitment to match the Federal dollars. He discussed the importance of going back to Washington DC as a united front to focus on those priorities.

Mr. Hamm said LTD would not proceed with anything without a majority vote from each jurisdiction to proceed. In 2006, when the EIS is complete, LTD will be back before the Springfield City Council and Lane County Board of Commissioners for approval. Nothing is set in stone at this point or funded yet. He reminded the council that LTD was looking at this corridor before PeaceHealth started to look at the RiverBend site. That enhanced the concept of what the Pioneer Parkway corridor and the Gateway connection might add to the City of Springfield and the transit system.

Mr. Hamm said that as LTD builds the Pioneer Parkway or any other corridor, they look well in advance at how this impacts their current fixed route system. It is not a separate system, rather an enhancement to their system in the major traveled corridors. They will structure their system to enhance it even more. LTD will continue to work with city staff to find the best solution. He believes this will be a successful operation and benefit the community long-term.

Councilor Fitch asked about funding. MLK Parkway is due to begin construction in 2005. She discussed the council passing a resolution in concurrence with Lane County including the additional right-of-way. She asked if Lane County would loan LTD the money to acquire the additional right-of-way and the associated costs.

Mr. Hamm said he may have misspoken regarding this particular funding. LTD has local funding to some degree that they have set aside for years towards these projects. The board has authorized the expense of money to buy right-of-way and all the costs involved. They have also secured federal approval, because of the timing of the city's project, to allow some funding for this project.

Mr. Kleger said the board has approved to reschedule other capital needs to free up local resources so they don't lose time on this project.

Ms. Wylie discussed the great opportunity in the redevelopment of the parkway allowing LTD to plan the transit along with development. That is how it needs to happen and this has been a great opportunity.

Mayor Leiken asked about funding from the congressional standpoint. He asked if everything was programmed in the T21 and if continued support from our congressional delegation was needed. He asked how the city could assist.

Linda Lynch, Government Relations Manager from LTD, addressed the question. Ms. Lynch said both the House and Senate have passed their bills to reauthorize T21 and are in conference. The House version has named projects, but the Senate version does not. Senate projects will be added into the House bill. The conference committee has met three times, but has yet to agree on the first question, which is the level of funding that would guide the bill. We are at the end of the first year, what would be the first year of the next bill, which is usually a six year bill. There are several Eugene and Springfield projects already named in the House version. LTD asked to be named in part of the transit project, which would give them process authority to move forward. It then has to go to congress to be funded. She would not expect to lose their position in the House bill because there is no dollar amount attached, although there will be in subsequent years. She feels confident they will come out with the Pioneer Parkway authorized project.

Councilor Ballew said the only reason she voted for the additional ten feet was to move the project forward. The city can't wait for LTD, and will move ahead without them if needed.

Councilor Fitch said it is good to see this opportunity happen.

Ms. Ban said there will be more opportunities to work as partners in the future.

Ms. Wylie said going together to Washington DC with the United Front has been very beneficial and has brought the Springfield Council closer to the LTD Board members. Their working relationship is better since starting these partnerships.

Mr. Kleger said eight years ago he spoke before the Springfield Council about doing something with the Springfield Station. He has not worked in any other public process where people worked so hard and were so creative and disciplined as they were in the site selection and the steering committee for this station. It has been a delight to work with Springfield on the station project.

Councilor Ralston referred to page 10 of Attachment B included in the agenda packet and asked about the power lines.

Discussion was held regarding the power lines.

Councilor Fitch discussed the citizen input that helped to determine the route that goes around Pioneer Parkway and over to the Gateway Mall.

Ms. Wylie said the Park-N-Ride at the South A Station will be very beneficial for people wanting to go to the theater at the Gateway Mall.

Mr. Hamm said the staff and board of LTD are committed to the Springfield Station site as far as security and maintenance of that station. They want tenants that are long lasting and will provide quality service to the riders and citizens. If LTD fails in the city's expectations regarding security, he asked that they let LTD know. They have a plan on security for this site and will continue to grow that. There is a lot of potential with the MillRace and the downtown redevelopment.

Mr. Kleger said LTD's security staff said the Springfield Police do a great job working with their security.

Councilor Ballew asked about the current station on 5th and B Streets and if the improvements belong to LTD.

Mr. Simmons said LTD was currently working with city staff regarding what the old station could be. They have presented a site plan to staff and will have further discussions. There is not much space there; it is a wide sidewalk with a twenty-five year old structure on it. It could be put back to the original condition, but there may be other visions.

Mr. Hamm said it is similar to making improvements to adjacent property and then returning it to its original condition. They are still looking at a possible bus stop at or near that site to serve those going to the Library or City Hall.

Councilor Ballew asked if they would continue to use the small buses.

Mr. Hamm said once they get the BRT running, they will look at alternatives for using the smaller buses in some circumstances, such as connector streets.

Ms. Wylie discussed her vision of having a historic rubber tired trolley make a route from the new station around to City Hall, the Historic District, the Senior Center and back to the station.

Mayor Leiken asked Springfield Public Works Director Dan Brown about the back of the property of the new LTD station abutting the MillRace project. He asked if it was part of Phase Two of the MillRace. He asked about the funding.

Mr. Brown said the city is working on that, but the funding is not yet available.

City Attorney Joe Leahy said there is a clause in our land use agreement with LTD on the siting of that station that they are to work with the City of Springfield in terms of making that work in that area. It envisions some reasonable financial assistance, although it doesn't say an amount.

Mayor Leiken thanked the LTD Board for the tour and for attending the work session.

2. Natural Resources Implementation Planning.

Planner Mark Metzger presented the staff report on this item. The *Springfield Inventory of Natural Resource Sites* was adopted by the City Council on May 3, 2004. The council opted to apply the "safe harbor" provision of the Oregon Administrative Rules to upland natural resource areas and the "standard process" to riparian resource areas. The purpose of this briefing is to acquaint the City Council with the steps remaining in the Goal 5 planning process and with the approach that staff is pursuing to complete those steps.

OAR 660-023 details the requirements for completing the Goal 5 planning process. The "standard process" provides flexibility in dealing with conflicts between resource values and development activities that are allowed under current zoning. In exchange for that flexibility, communities are required to evaluate the likely Environmental, Social, Economic and Energy (ESEE) impacts of allowing and not allowing conflicting development to occur. The ESEE analysis is used to decide whether a conflicting development should 1) be prohibited; 2) be allowed on a limited basis; or 3) be allowed without limitation. Historically, most communities have chosen the middle path for most sites, which allows for development while protecting the essential functions and values of each resource site.

OAR 660-023-0040 states, "the ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected." Enclosed with the memorandum included in the agenda packet is a chart outlining the Goal 5 planning process and an excerpt from the Oregon Wetland Planning Guidebook, a document jointly published by the Oregon Department of Land Conservation and Development and the Division of State Lands describing techniques for streamlining the analysis of conflicting uses and the ESEE process. Staff is implementing many of these techniques in its approach to the required analysis and reporting.

Staff will be working to complete the ESEE analysis and recommended protection policies over the next 8-12 months. This analysis and the recommended protection policies will come before the council for review prior to their adoption. OAR 660-23-0030 allows interim protection measures to be applied by communities to protect inventoried resource sites while the ESEE and related protection policies are being prepared. In conformance with the state rule, staff shall require proposals for new developments that impact sites listed on the Springfield Inventory of

Natural Resource Sites to include an ESEE analysis and an appropriate protection program for the resource site. At the conclusion of the planning process, Springfield's buildable land inventories will be updated to reflect acreage that is protected from development through this process.

Mr. Metzger said council adopted an Inventory of Significant Natural Resource sites, riparian. Under Standard Process there are a series of steps bracketed by ESEE as shown on Attachment 1, page 1 included in the agenda packet. He explained the steps included on this chart. Staff must first determine the impact areas. The city is allowed to define some kind of boundary around a natural resource site to judge the impacts development would have on a resource site. He explained that the impact area is not a buffer, but the area within they do the analysis. Mr. Metzger discussed using Geographic Information Systems (GIS) as a tool to map the area listing all tax lots bordering resource sites and acreage. Further analysis needs to be done regarding developed versus vacant land. Once the impact area has been defined and an analysis has been done on conflicting uses, staff puts together a report. In the state law, it refers to using a matrix approach to write the report. This matrix allows concise summarization and also allows site specific comments.

Councilor Ballew asked Mr. Metzger to describe one area.

Mr. Metzger said the charts show a hypothetical scenario. A handbook is put together by the Oregon Division of State Lands and the Department of Land Conservation and Development as a guide tool. There is a handbook for wetland planning and also for riparian planning. These ideas are given to planners to ensure the process is efficient. They must show in the end where a certain protection is recommended and how they arrived at that determination.

In summary, Mr. Metzger said staff defines the impact area, remaining conservative; uses GIS to generate information about conflicting uses and the economic impact; analyzes the balance between the potential for development versus protection; and recommends a decision. The process and the reporting will go to Planning Commission and City Council for approval. Nothing will happen without council's approval regarding policy or protection measures on any of the sites. Staff will come to council with a recommendation.

Councilor Ballew asked about staff costs related to the size of the impact area.

Mr. Metzger said there is less impact on staff cost, but more impact to property owners. The analysis is much the same for a fifty foot area versus a one hundred and fifty foot area. He said the importance is the impact on the community. He discussed protection and what it means. In a residential area, the impact area could still allow for development, but with protections. He described an example of development within the buffer. Protection can be a setback, but it doesn't mean nothing can be done in that zone or the property value is lost. It can still be used. It entails thinking it through to use it in the best way for protection.

Councilor Lundberg referred to the matrix. She asked if the definitions the city assigns the codes or numbers fit within the state guidelines. She asked if the state reviews this to determine if the matrix is approved.

Mr. Metzger said the matrix the city is using is a re-creation of the matrix in the state handbook. He is making the assumption the matrix format will be approved because it is the recommended format. Staff will want to make sure that the laundry list of potential economic impacts is correct. A year ago, the Planning Commission approved a structure for a committee to work with staff on putting together this analysis and report. They will try to keep the process as efficient as possible and make sure the recommendations fit the community.

Councilor Fitch said she appreciated staff trying to do this quickly, but any analytical work done is no better than what they are basing it on. She asked if the committee would review the initial premises they were basing this on; either definitions or work. She asked if it was an unbiased source. She asked how they are weighted and if there was a preset on how they are weighted.

Mr. Metzger said there is some information that is required. The assumptions he is making is that 150 feet is enough for the analysis. He will explain to the committee that the state recommends a conservative approach and the reason for going to 150 feet is to be consistent with the city's stormwater plan that has already been approved. We don't have to recommend regulation within those 150 feet, but just have to consider the consequences within that distance. He said the committee could say 500 feet, but he doesn't believe the council or Planning Commission would support that. The committee is made up of responsible people with differing points of view. In the end, the report produced by the committee should best reflect the intent of the Planning Commission and the City Council and based in reality. The committee will look at the assumptions about the definition of the impact of the area, make sure the list is correct regarding impacts and that they are applied properly to each individual site. Finally, based on the information they gather about the impacts on the site, will make the decisions about protection. This report should be finalized in six to eight months. The information gathering with the GIS will go rather quickly. The time consuming part is working with the people on the committee to come to agreement on these things. He discussed meeting with property owners who have concerns about this and visiting their sites. Property owner participation is important for this to work politically. The results will not please everyone. Council will want a report and recommendation that is defensible. Mr. Metzger wants to give council the ability to defend the decisions.

Councilor Ralston asked who would appoint the members of the committee.

Mr. Metzger said the Planning Commission approved, as members of the Committee for Citizen Involvement, a public involvement plan a year ago. The committee is a balance of members representing homeowners, homebuilders, the industrial community, the neighborhoods and the environmental community. They will not always agree, but the structure is in place to facilitate dialogue.

Councilor Ralston asked Mr. Metzger to give him an example of the energy component.

Mr. Metzger said it is a weak point. He gave an example of a site and the energy it would take to make up for their loss of use. This process originated in the 1980's when energy was an important social issue and found its way into a lot of policy.

Councilor Ralston said he hoped the recommendation was flexible enough to allow reasonable expectations for property owners to allow them to do what they want. He also hoped it didn't take too much time to make this analysis and catalogue all the properties.

Mr. Metzger said it is a complicated process, but with GIS it will take much less time. The handbook from the state encourages cities to keep it simple, but to make sure enough information is available in case someone challenges the decision. In the city's process of the Natural Resource Inventory, he has been pleased that they have had basic community agreement because they have approached it with a common sense attitude and worked with the people. Staff will go the middle of the road approach and do their homework so the recommendation is defensible.

Ms. Pappas said once this report is done they will have assurances for the development community and will not have to go through it each time there is a new developer.

Councilor Ralston discussed Measure 7 implications. He said it might be helpful to identify when a property was purchased to know which set of rules apply.

Mr. Metzger said development regulations do change. Applying the Standard Process allows the city to work through the conflicts and try to find win-win situations allowing development with reasonable protections. This approach would not take away any value of the land. A safe harbor approach would not allow that flexibility.

Councilor Woodrow asked about Potato Hill which is already ready to develop.

Mr. Metzger said Potato Hill went through this ESEE process as part of their master plan. In that process there were particular areas that were known to be archeological sites that have been protected. There were also groves of trees and slopes that made certain areas impractical for building, but made a nice forest park and open area. The developer and the city worked together for over a year on a process to create a master plan based on ESEE analysis that allowed development, but also protected a number of resources. As part of the Natural Resource Inventory, one of the things staff did up front, was to assure developers that if they have an approved site plan or approved master plan, the city would honor that.

Mayor Leiken discussed Measure 7. He asked City Attorney Meg Kieran about Measure 7 and if it is a constitutional amendment. He understood that it was thrown out because of a technicality. If it is not a constitutional amendment, how effective would it actually be? This measure did pass in the City of Springfield. If it were to pass, but it is not a constitutional amendment, it would seem the city would be paying our city attorney's to figure out how to deal with this along with other cities in Oregon

Ms. Kieran said in the first go-round, it was a constitutional amendment and it was thrown out. There was a provision that states that in a constitutional amendment there is a limit of one issue only. Measure 7 violated that provision. As a statute, rather than a constitutional amendment, it will be reviewed based on its compliance with the constitution. In terms of the law, it has exactly the same affect.

Mayor Leiken said the worst case scenario would be for Measure 7 to be applied to what we are trying to do with the Natural Resource Inventory, and forcing the city to go back and do it over again.

Ms. Kieran said the last time when it was found invalid by the Supreme Court, the League of Oregon Cities (LOC) worked to get a statewide formula for a response to that law when it was enacted. Hypothetically, the financial impact is staggering. If that were to occur, the city would pull out the documents and go through that process again in coordination with other jurisdictions in the same situation.

Councilor Ralston said the process the city will be taking is better because of the flexibility. Safe Harbor does not allow that flexibility. We are saving ourselves a lot of time in the long run.

Mr. Metzger said it is more time consuming and difficult in the beginning, but will be more beneficial in the long-term.

Councilor Fitch commended Mr. Metzger for his work on this issue.

Mayor Leiken commended Mr. Metzger and staff on their work.

ADJOURNMENT

The meeting was adjourned at 7:50 pm.

Minutes Recorder – Amy Sowa

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder