



City Council Agenda

Mayor
Christine Lundberg

City Council
Sean VanGordon, Ward 1
Hillary Wylie, Ward 2
Sheri Moore, Ward 3
Dave Ralston, Ward 4
Marilee Woodrow, Ward 5
Bob Brew, Ward 6

City Manager:
Gino Grimaldi
City Recorder:
Amy Sowa 541.726.3700

City Hall
225 Fifth Street
Springfield, Oregon 97477
541.726.3700
Online at www.springfield-or.gov

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours notice prior to the meeting. For meetings in the Council Meeting Room, a "Personal PA Receiver" for the hearing impaired is available. To arrange for these services, call 541.726.3700.

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

All proceedings before the City Council are recorded.

December 2, 2013

6:00 p.m. Work Session
Library Meeting Room

CALL TO ORDER

ROLL CALL - Mayor Lundberg ____, Councilors VanGordon ____, Wylie ____, Moore ____, Ralston ____, Woodrow ____, and Brew ____.

1. Downtown Plaza(s) and Library Designs and Impacts.
[Courtney Griesel/Jim Polston] (45 Minutes)

ADJOURNMENT

7:00 p.m. Joint Regular Meeting
w/Lane County Board of County Commissioners
Library Meeting Room

CALL TO ORDER

ROLL CALL - Mayor Lundberg ____, Councilors VanGordon ____, Wylie ____, Moore ____, Ralston ____, Woodrow ____, and Brew ____.

LANE COUNTY COMMISSIONERS: Board Chair Leiken ____, Board Members Bozievich ____, Sorenson ____, Farr ____, and Stewart ____.

ORDINANCES

1. Glenwood Phase 1 Update (Springfield File Nos. TYP411-00005 & TYP411-00007, Lane County File No. PA 11-5489)
[Molly Markarian] (30 Minutes)

ORDINANCE NO. 1 – AN ORDINANCE COMPLYING WITH LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005 AND TYP411-00007 AND LANE COUNTY FILE NUMBER PA 11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT AND THE SPRINGFIELD DEVELOPMENT CODE, AND ADOPTING A SEVERABILITY CLAUSE

MOTIONS:

SPRINGFIELD: SCHEDULE A 3RD READING FOR DELIBERATIONS AND ACTION AT A LATER DATE.

LANE COUNTY: APPROVE 3RD HEARING AND SET A 4TH HEARING.

ADJOURNMENT

AGENDA ITEM SUMMARY

Meeting Date: 12/2/2013
Meeting Type: Work Session
Staff Contact/Dept.: Courtney Griesel, CMO
Jim Polston, DPW
Staff Phone No: 541-736-7132
Estimated Time: 45 Minutes
Council Goals: Community and
Economic Development
and Revitalization

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE: DOWNTOWN PLAZA(S) AND LIBRARY DESIGNS AND IMPACTS

ACTION REQUESTED: Staff desires to use this time to discuss key concepts of plazas and the link to other important projects in Downtown, gaining general insight on Council's feeling regarding staff recommendations and progress thus far and into the future. Specifically, staff would like Council's consensus on the proposed project to explore low cost improvements to the Carter Building parking lot for public open space use. Additionally, staff would like to confirm Council's support in moving forward in building the City Hall Plaza as illustrated in this packet.

ISSUE STATEMENT: Staff desires to use this time to discuss key concepts of plazas and the link to other important projects in Downtown, gaining general insight on Council's feeling regarding staff recommendations and progress thus far and into the future. Specifically, staff would like Council's consensus on the proposed project to explore low cost improvements to the Carter Building parking lot for public open space use. Additionally, staff would like to confirm Council's support in moving forward in building the City Hall Plaza as illustrated in this packet.

ATTACHMENTS:

1. Downtown Plaza(s) and Library Designs and Impacts Memo
2. Revised City Hall Plaza & Entry Design
3. Downtown Preliminary Project Timeline Comparisons

**DISCUSSION/
FINANCIAL
IMPACT:**

Staff are currently working on several key projects in the Downtown area; Acquisition and development of Mill Plaza, research into the development of a new library facility, and design and upgrades to the City Hall Plaza and entryway area. Additionally, during the April 22nd Council Work Session, Council asked staff to consider the addition of an open space park or plaza on the site of the current Carter Building.

This memo will attempt to assemble information specific to Mill Plaza, Library design needs, a Carter Building area plaza and parking lot upgrades, and the City Hall Plaza and entry upgrades including. Information will include discussions on:

- Possible Carter Building Parking Lot Upgrades to Create Flexible Open Space
 - Principles of a Successful Plaza & Mill Plaza
 - Library Design & Timing
 - Exploration of a Carter Building Area Plaza; Timing & Costs; and
 - Designs and Timing of City Hall Plaza & Entry Upgrades
-

Date: December 2, 2013
To: Gino Grimaldi, City Manager
From: Courtney Griesel, Senior Management Analyst
Jim Polston, Project Manager
Rob Everett, Library Director
Subject: DOWNTOWN PLAZA(S) AND LIBRARY DESIGNS AND IMPACTS

ISSUE:

In the three years since the *Downtown District Urban Design Plan and Implementation Strategy* adoption (September 2010), staff has worked to progress key Plan recommendations and projects. With limited funds, it is important that priority projects are envisioned and developed strategically and with clarity of the impact one project may have on another. At this time, staff is examining the impacts of the Mill Plaza development, Library development, City Hall Plaza and entryway improvements, and a potential Carter Building plaza.

BACKGROUND: The *Downtown District Urban Design Plan and Implementation Strategy* was adopted in September 2010 to identify the desired physical design features intended to create a practical framework for 21st century development and public and private investment. Since its adoption, City staff has used the *District Plan* as a guiding document for prioritizing projects and use of available Downtown urban renewal dollars, and will be incorporated into the Downtown Refinement Plan.

Staff are currently working on several key projects in the Downtown area; Acquisition and development of Mill Plaza, research into the development of a new library facility, and design and upgrades to the City Hall Plaza and entryway area. Additionally, during the April 22nd Council Work Session, Council asked staff to consider the addition of an open space park or plaza on the site of the current Carter Building.

This memo will attempt to assemble information specific to Mill Plaza, Library design needs, a Carter Building area plaza, the City Hall Plaza and entry upgrades, and a proposed Carter Building parking lot upgrade which would generate flexible public space.

DISCUSSION: Over the last several years, Springfield has seen an exciting level of growth and investment in Downtown. In an effort to maintain and grow this momentum staff proposes to explore a project to install low cost amenities and aesthetic upgrades to the current Carter building parking lot for uses like food cart or truck parking during certain windows of time. Improvements might include upgrades to electrical infrastructure and lighting, decorative banners or awnings, surface improvements and enhanced landscaping. This type of project could provide a flexible outdoor space to the public for numerous events and uses when not under parking utilization, without the full cost of a traditional plaza.

- **Principles of a Successful Plaza** - One of the primary catalytic projects identified by the *District Plan* is the acquisition, design, and development of Mill Plaza. Because of Mill Plaza's significance to the vision of Downtown, its orientation to other public spaces should be understood to maintain an effective strategy and prioritization of projects focused on redevelopment.

Plazas are a feature of many successful downtowns and business districts, both historic (e.g. Santa Fe, New Mexico) and revitalized (e.g., Portland's Pioneer Square, Director Park and Jamison Square, and downtown Hillsboro). A plaza can act as many things to a Downtown.

While it can be a host for special events and large gatherings, it should still encompass a sense of place and purpose during non-special event periods. For this reason, the density of buildings and uses around a successful plaza are just as important as the design of the plaza itself. A vibrant, active and welcoming mix of surrounding uses are essential to the success of open space and demand strategic placement of any plaza or square. These uses will provide the plaza with a population of daily consumers and employees utilizing the space. In this way, the open space capitalizes on the surrounding neighborhood and the surrounding neighborhoods capitalize on the amenity of the open space.

Mill Plaza: (Downtown District Urban Plan, 2010, pg. 14) – The Mill Plaza is identified as a public catalyst project, essential to creating a positive downtown atmosphere, triggering significant private development surrounding the plaza. The Implementation Strategy identified “Secure Mill Plaza Site” as a near-term action intended to preserve catalytic development options for the future. Located between Main and North A Street and immediately west of Pioneer Parkway West, the plaza project will eventually include property acquisition of 7 parcels, subsequent development of a hard-surface plaza park and a public/private partnership to develop office and retail space to the north.

Intended to serve as ‘Springfield’s civic living room’, Mill Plaza is envisioned to be active for 18 hours a day. The plaza’s proximity to Island Park is important in generating a direct pedestrian and bicycle connection between the river and existing Downtown uses, and to linking Downtown with expected development across the river in Glenwood. The location was identified by the consultants as a “100 percent corner” with a sufficient traffic volume to support larger format retail uses. Development at this west end “anchor” location also supports the goal of creating a critical mass of at least 150,000 sq ft of new ground-floor retail on surrounding parcels. The plaza’s location allows for the density of employment and retail uses to occur nearer to the river, drawing an important connection between Island Park, the new plaza uses, and existing historic retail nearer to City Hall. This level of retail and office density is important to the success of the plaza as an active and vibrant amenity in Downtown.

Project Status: Over the last 2 years, City staff has been working with owners of the 7 identified parcels to explore options for property acquisition. Negotiations have been mostly successful, allowing staff to explore assembly of funds. At this time, the acquisition of plaza property remains the highest priority for use of Downtown Urban Renewal funds.

- **Library Design** – In 2011, the City Council approved including a new library facility in the City’s Capital Improvement Plan. Although funding for this new facility has not yet been identified, the project described a 58,000 sq. foot building. At this time, one half block directly adjacent to City Hall, under ownership of the City, has been identified as the likely future home of the new Library. This site is the current home of the Carter Building and parking lot. As part of the strategic approach to thinking about and planning for a new library for Springfield, city staff and library support groups have begun the process of imagining what an improved library service and facility might look like. They have also been working toward securing the resources to facilitate this planning process.

If the City determined to make the Library redevelopment a top priority for design and funding acquisition in the immediate future, under best case scenarios, a new Library facility might be designed, funded, and open to the public in summer of 2020.

Project Status: During the City’s 2011 Sustainable City Year partnership with the University of Oregon, students and faculty focused energy on working with Staff and national experts to

develop architectural designs and renderings of a 58,000 sq. foot library specific to the half block currently home to the Carter building. In July 2012, utilizing some of the images generated by students and significant work on the part of Library staff, the Library received a \$20,000 planning grant from the Wichita Falls Area Community Foundation – Betsy Priddy Fund to further develop a library design program with a consulting architecture firm.

Staff will be bringing the topic of the Springfield Library development to Council for discussion in early 2014.

- **Carter Area Plaza** - During an April 2013 Council Work Session, Staff was asked to explore the utilization of the current Carter Building site as a new plaza. In acknowledging the intended use of the site for a future Library, Council indicated an interest in understanding the feasibility of building both a temporary plaza and a plaza that might be integrated into the future Library design.

Staff identified four main areas of focus related to the development of a Carter area plaza; Costs related to development, timeline of development in relation to timeline of design and build for the library, and intended purpose of the new plaza.

Costs: To construct a plaza on the current Carter Building site, several activities must occur. The City must relocate the current tenant which includes costs of finding the tenant a new space and appropriate lease rate structure and the remaining debt owed on the Carter Building would need to be paid off. This pay-off comes with a decreasing pre-payment penalty. The building would require demolition as well as design and construction of the new plaza. Below is an extremely preliminary estimate on costs associated with the construction of any open space at the site of the current Carter Building. Finally, due to the fact that there are several unknowns associated with the timing, design and use of this site, a significant portion of the costs outlined below would likely be interim in nature and simply lost once final decisions are made.

Required Task	Cost
Relocation of Current Tenant(s)	Unknown
Pre-Payment of Outstanding Property Debt (w/ penalty est.)	280,000
Demolition of Property	110,000
Plaza Design	10,000
Plaza Construction (south of alley only)	185,000
*Total Project Cost	585,000

*Does not include costs related to subsurface drainage improvements.

- **City Hall Plaza and Entry Upgrades** - Earlier this summer staff presented Council a project to upgrade the appearance and functionality of the entry plaza at Springfield City Hall. Several priorities for the project were identified by the Council including;
 - Update the appearance of City Hall’s aging plaza
 - Repair or replace damaged infrastructure and/or unsafe conditions
 - Improve and enhance the usability of this existing public space
 - Create a more prominent and identifiable entry to City Hall
 - Be a part of the revitalization of Springfield’s downtown core

Using \$30,000 earmarked from the City's Building Preservation fund and a \$30,000 grant received from CDBG, improvements to the plaza will be made using a creative mix of new elements laid in with much of the existing elements, creating a more useable, vibrant public space. New surface materials, redesigned plantings, a place for recognizing important citizens, along with a more prominent to entry to City Hall will have an immediate, positive impact on the downtown.

Two options were previously presented to Council for consideration. Both options contained aspects which Council liked and Staff has since combined into the final design included in this packet. This updated concept addresses the below issues:

- ✓ Maintains the concept of a Recognition Plaza area on the landing near the Library, and includes a display about the history of City Hall.
- ✓ Uses brass raised lettering (similar to the Justice Center) rather than the logo style sign as previously proposed.
- ✓ Incorporates more composite lumber decking and reduces the quantities of synthetic lawn.
- ✓ Keeps the plaza area as open as possible, with most of the trees toward the outer perimeter, while maintaining a separation between the plaza area and the "sidewalks."
- ✓ Keeps the rhino statue and the tiled art.
- ✓ Provides space for more future art.

STAFF RECOMMENDATIONS AND NEXT STEPS:

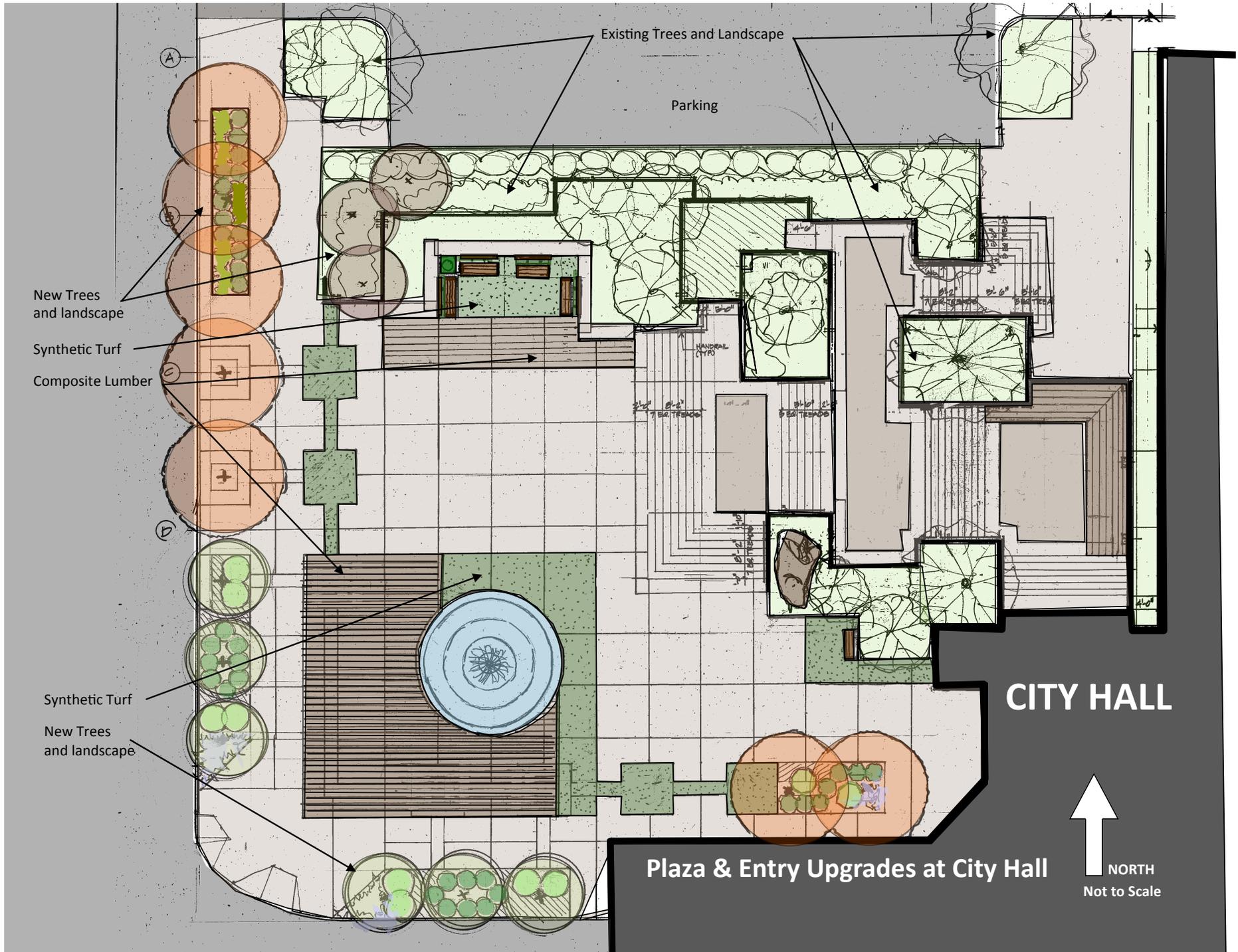
Due to several issues, staff does not recommend the investment of City or SEDA funds into the development of a plaza space on the current site of the Carter Building. These issues include:

- Costs related to; Repayment of debt on the building, loss of current and future tenants, and relocation of tenants under contract.
- Costs to demolish building and construct plaza coupled with costs noted above would require a significant adjustment in project priorities for Downtown. These funds are currently earmarked for projects like Downtown lighting and demonstration block improvements as well as Mill Plaza property acquisition.
- Timing of repayment, design and construction of a Carter area plaza would place the completion of the project at the starting point of community conversations regarding the funding of a new library facility on the very same site.
- Certainty in a new library facility program and design is not anticipated until the end of the fourth year of the Library project, therefore any attempt to develop a Carter area plaza to be salvaged and used as part of the new Library design would be premature and potentially limiting to providing the Library with the best design needed.

ACTION REQUESTED:

Staff desires to use this time to discuss key concepts of plazas and the link to other important projects in Downtown, gaining general insight on Council's feeling regarding staff recommendations and progress thus far and into the future. Specifically, staff would like Council's consensus on the proposed project to explore low cost improvements to the Carter Building parking lot for public open space use.

Additionally, staff would like to confirm Council's support in moving forward in building the City Hall Plaza as illustrated in this packet.



New Trees and landscape
 Synthetic Turf
 Composite Lumber

Synthetic Turf
 New Trees and landscape

Existing Trees and Landscape
 Parking

CITY HALL

Plaza & Entry Upgrades at City Hall

NORTH
 Not to Scale



AGENDA ITEM SUMMARY

Meeting Date: 12/2/2013
Meeting Type: Regular Meeting
Staff Contact/Dept.: Molly Markarian/DPW
Staff Phone No: 541-726-4611
Estimated Time: 30 min
Council Goals: Encourage Economic Development and Revitalization through Community Partnerships

**SPRINGFIELD
CITY COUNCIL**

ITEM TITLE:	GLENWOOD PHASE 1 UPDATE (Springfield File Nos. TYP411-00005 & TYP411-00007, Lane County File No. PA 11-5489)
ACTION REQUESTED:	Conduct a second reading of the following Ordinance: AN ORDINANCE COMPLYING WITH LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005 AND TYP411-00007 AND LANE COUNTY FILE NUMBER PA 11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT AND THE SPRINGFIELD DEVELOPMENT CODE, AND ADOPTING A SEVERABILITY CLAUSE, and direct staff to schedule a third reading for deliberations and action at a later date.
ISSUE STATEMENT:	Glenwood Phase I was adopted by Springfield on June 18, 2012 (Ordinance No. 6279) and by Lane County on September 5, 2012 (Ordinance No. PA1288 and Ordinance No. 3-12). Shamrock Homes, LLC filed a Notice of Intent to Appeal Ordinances 6279, PA12888, and 3-12 on September 28, 2012. LUBA rendered their decision (LUBA nos. 2012-077, 078 and 079) on July 12, 2013. LUBA's decision required the City take additional action with regards to Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway).
ATTACHMENTS:	Attachment 1: Council Briefing Memorandum: Response to Kloos Testimony Attachment 2: Ordinance and Exhibits Attachment 3: City Council Minutes from November 18, 2013
DISCUSSION:	<p>On October 15, 2013, the Springfield Planning Commission held a public hearing to receive testimony on the proposed Glenwood Phase I amendment package to address the LUBA Remand. In accordance with the 1986 IGA (190 agreement) between Lane County and Springfield, the Springfield Planning Commission voted unanimously to recommend adoption of the amendment package to the Springfield City Council and Lane County Board of Commissioners.</p> <p>On October 17, 2013, the City Council held a joint work session with the Lane County Board of Commissioners to receive an introduction to the proposed Glenwood Phase I amendment package to address the LUBA Remand.</p> <p>On November 18, 2013, the City Council held a joint public hearing with the Lane County Board of Commissioners on the proposed amendments to the Glenwood Refinement Plan, Springfield Development Code, and Findings associated with TYP411-00005 and TYP411-00007 to address the deficiencies identified in LUBA's Remand related to Statewide Planning Goals 9, 10, 12, and 15. Three people spoke in support of the amendments, and one person submitted written testimony questioning the City's approach to addressing the Remand.</p>

MEMORANDUM

City of Springfield

Date: 12/2/2013
To: Gino Grimaldi
From: Len Goodwin and Molly Markarian
Subject: Glenwood Phase I Update

**COUNCIL
BRIEFING
MEMORANDUM**

ISSUE: Glenwood Phase I was adopted by Springfield on June 18, 2012 (Ordinance No. 6279) and by Lane County on September 5, 2012 (Ordinance No. PA1288 and Ordinance No. 3-12). Shamrock Homes, LLC filed a Notice of Intent to Appeal Ordinances 6279, PA12888, and 3-12 on September 28, 2012. LUBA rendered their decision (LUBA nos. 2012-077, 078 and 079) on July 12, 2013. LUBA’s decision required the City take additional action with regards to Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway).

COUNCIL GOALS/

MANDATE:

Encourage Economic Development and Revitalization through Community Partnerships
Encourage Economic Development and Revitalization through Community Partnerships

Amendment of Glenwood Phase I to address the LUBA Remand as a step towards acknowledgement will represent the attainment of two targets associated with this Council Goal: The area comprising Glenwood Phase I will be planned and zoned for redevelopment; and infrastructure needed for growth will be identified and planned.

BACKGROUND: On November 18, 2013, the City Council held a joint public hearing with the Lane County Board of Commissioners on the proposed amendments to the Glenwood Refinement Plan, Springfield Development Code, and Findings associated with TYP411-00005 and TYP411-00007 to address the deficiencies identified in LUBA’s Remand related to Statewide Planning Goals 9, 10, 12, and 15. Three people spoke in favor of adopting these amendments. Attorney Bill Kloos, representing his client Shamrock Homes, LLC and Yoon Shin, also spoke at the public hearing and submitted a letter into the record that raised questions regarding the proposed amendments. What follows is the staff response to the statements made in the letter with respect to the proposed amendments.

Issue 1: Goal 9, Economic Development The basis of LUBA’s remand in connection with Goal 9 centers on how the City used the draft Commercial Industrial Buildable Lands Study (CIBL) to establish that the Glenwood Refinement Plan is consistent with the state rules regarding economic development.

The CIBL is the most recent study on the amount of land that would be required to provide for economic development in all of Springfield, including Glenwood. It was provisionally adopted by the Springfield City Council but is not yet acknowledged by the state because it is part of the proposed, upcoming UGB expansion.

In its remand decision, LUBA stated that the City could rely on the CIBL to confirm the findings in previously acknowledged economic studies. (Final Opinion and Order Pages 12-13) To comply with this direction, the City is asking the Council and Commissioners to adopt additional findings that show the Glenwood Refinement Plan is consistent with those earlier studies and the more recent information in the CIBL confirms the information and analysis contained in the earlier studies.

Issue 2: Goal 10, Housing

LUBA instructed the City to adopt a more adequate explanation for how changing existing manufactured home parks to be considered a non conforming use is consistent with *Metro Plan Policy A25* which provides that the supply of existing affordable housing should be conserved. To accomplish this direction, the City drafted additional findings that outline how Glenwood Refinement Plan's policies and implementation strategies are consistent with this *Metro Plan Policy* and the City's own acknowledged *Springfield 2030 Residential Land Use and Housing Element (2030-R)*.

In drafting these findings the City first outlined how, through a lengthy public process, it came to the conclusion that Sub Area D is suited for employment and not residential use. The findings then outline the applicable 2030-R policies regarding preserving existing housing stock, providing a broad range of housing options and exploring funding options for public, non-profit and private investment in housing.

The Glenwood Refinement Plan addresses the complicated issue of providing affordable housing in an area where the current housing stock is in many cases aging and in need of repair. In addition, the City's *Residential Housing Needs Analysis* concluded that Springfield had a surplus of low density zoned housing but a deficient of high density housing. Many factors in Glenwood such as access to public transportation and employment opportunities make Glenwood a suitable place for high density housing. As such, the Glenwood Refinement Plan provides for strategies to allow mobile home parks to continue and other strategies that encourage the development of other, higher density housing.

Issue 3: Goal 12, Transportation

In his letter, Mr. Kloos states that the City has not justified a Multimodal Mixed-Use Area (MMA) for the entire Glenwood Phase I area. He supports this statement by alleging that a pre-adoption notice to the State and individual property owners did not occur.

On September 11, 2013, the City mailed a Notice of Proposed Amendments to the Oregon Department of Land Conservation and Development (DLCD) in accordance with the statutory requirements for submittal. As summarized in the notice, this included the designation of the Glenwood Phase I boundary as an MMA, as depicted and described in the map and text included with that notice. The State elected not to weigh in on this amendment as evidenced by their lack of submission of any written statements to the record.

On October 4, 2013, the City mailed a Notice of Public Hearing on the aforementioned amendments to all residents and property owners in Glenwood in accordance with the requirements of the Springfield Development Code. The same notice was also mailed that day to all parties of record in the Glenwood proceedings to date. Further, a public hearing notice was published in the Register Guard that same day.

Later in his letter, Mr. Kloos contends that the City has not entered the primary source substantiating its trip reduction discount of 47% into the record and proceeds to put the study into the record. However, this City had already placed this primary source in the record. The 2008 TCRP Report 128: Effects of TOD on Housing, Parking, and Travel by Arrington and Cevero was included as Exhibit 12-11 to the Ordinance presented to the Council and Board for the November 18, 2013 public hearing. This study preceded Exhibit 12-12 of the Ordinance, the 2013 technical review of the interactions among land use, transportation, and environmental quality published by the EPA to which Mr. Kloos refers in his letter.

Mr. Kloos also questions the validity of the 2008 TCRP as a “competent empirical basis” for conclusions about trip reductions in Glenwood. The Transit Cooperative Research Program (TCRP), established under Federal Transit Administration sponsorship in 1992, is one of six major divisions of the National Research Council. The mission of the TCRP is to provide leadership in transportation innovation and progress through research and information exchange, conducted within a setting that is objective, interdisciplinary, and multi-modal. The TCRP thus serves as one of the principal means by which the transit industry can develop innovative near-term solutions to meet demands placed on it. Research reports like the Arrington and Cevero study are intended to disseminate the results of the rigorously conducted research projects of the TCRP to its intended end users, including local decision makers. Further specific information regarding the TCRP, its research process, and the research questions TCRP Report 128 addresses are detailed on pages four through seven of the TCRP report in Exhibit 12-11 of the Ordinance included in this packet.

Issue 4: Goal 15, Willamette Greenway

In his letter, Mr. Kloos states that the City has not conducted an inventory required by Goal 15. LUBA’s directive, however, was “to demonstrate that the setback is based on protection of resources identified in the City’s acknowledged Greenway inventory.” In other words, LUBA did not require the City to conduct an inventory but rather to demonstrate that when a Greenway Setback Line is established that it is based on protecting resources identified in an inventory.

Mr. Kloos then asserts that the City has added new approval criteria to the list of standards for establishing a Greenway Setback Line contained in Springfield Development Code Subsection 3.3-325. Staff added Subsection 3.4-280 to the Glenwood Riverfront Plan District adopted in 2012 by Ordinance 6279 so that a majority of development standards applicable to the Glenwood Riverfront would be conveniently located in one portion of the Springfield Development Code. Subsection 3.4-280L.1-12. listed criteria of approval for development within the entire Greenway boundary. There were no separate criteria of approval for establishing a Greenway Setback Line in Subsection 3.4-280 at that time because staff proposed a coincident Riparian and Greenway Setback Line. However, in response to the LUBA Remand, staff is: 1) deleting text relating to the concurrent setback line; and 2) adding approval criteria text for the establishment of a Greenway Setback Line. The approval criteria are a subset of the criteria of approval for development within the entire Greenway boundary and mimic the criteria listed in Section 3.3-325 that have been in effect for this purpose since at least 1982.

Later in his letter, Mr. Kloos contends that the City does not require basing the setback line on inventory data. Springfield’s practice regarding the establishment of a Greenway Setback Line has been determined on a case-by-case basis in accordance with Springfield Development Code Section 3.3-325 since at least 1982. This section of the Development Code dictates the basis for the setback line and is derived directly from Section C.3. of Statewide Planning Goal 15. This existing process results in an applicant hiring a qualified professional who is required to demonstrate that the proposed setback line conforms to the criteria of approval, including protection of significant fish and wildlife habitat and the natural vegetative fringe; demonstrating conformance with the criteria necessitates conducting an inventory. Staff the uses that inventory in making a recommendation to the Planning Commission or Hearings Official (Type III Review), as appropriate, and a decision is rendered. In fact, two of Mr. Kloos’ clients, Mr. Marvin and Mr. Shinn (Shamrock Village RV Park, LLC), have established a Greenway Setback Line on their respective properties utilizing the aforementioned process. Staff has no reason to believe this same process would not be employed in the Glenwood Riverfront. While researching staff’s response to Mr. Kloos’ letter, it was determined that Subsection 3.4-280L.8. was unintentionally omitted. Staff is amending the revision to tis Subsection to include criterion L.8. This requires no change to the adopting Ordinance, only the attachment.

Staff has recently learned that Counsel to the Board of County Commissioners has concluded that some of the changes discussed require that the Board not take action on December 3, as originally contemplated, but schedule another reading, probably for the week of January 15, 2014.

RECOMMENDED ACTION: Deliberate on the amended Glenwood Phase I Ordinance with the option to adopt/not adopt. Council will note that the response to Mr. Kloos' letter of November 18 has been produced quite rapidly, to meet the requirements of the calendar. Although staff believes that the response is accurate, the necessary delay in action by the board of County Commissioners opens an opportunity to further study the November 18 letter, and make sure that the response is full and complete. Accordingly, while Council has the option to deliberate and take action, staff recommends that staff be directed to further review the response and schedule deliberations for a future date.

ORDINANCE NO. _____ (General)

AN ORDINANCE COMPLYING WITH LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005 AND TYP411-00007 AND LANE COUNTY FILE NUMBER PA 11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT AND THE SPRINGFIELD DEVELOPMENT CODE, AND ADOPTING A SEVERABILITY CLAUSE.

THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD FINDS THAT:

WHEREAS, Glenwood Phase I was adopted by Springfield on June 18, 2012 (Ordinance No. 6279) and by Lane County on September 5, 2012 (Ordinance No. PA1288 and Ordinance No. 3-12); and

WHEREAS, Shamrock Homes, LLC filed a Notice of Intent to Appeal Springfield Ordinances 6279 and Lane County Ordinances PA12888, and 3-12 on September 28, 2012; and

WHEREAS, LUBA rendered their decision (LUBA 2012/077/078/079) on July 12, 2013; and

WHEREAS, LUBA's decision required the City take additional action with regards to Goal 9 (Economic Development); Goal 10 (Housing); Goal 12 (Transportation); and Goal 15 (Willamette River Greenway); and

WHEREAS, timely and sufficient notice of the public hearings regarding the LUBA Remand pursuant to Glenwood Phase 1, has been provided in accordance with SDC Section 5.2-115; and

WHEREAS, Springfield Development Code Section 5.6-100 sets forth procedures for the amendment of the Glenwood Refinement Plan diagram and text and the SDC; and

WHEREAS: the Springfield File Numbers TYP411-0005 (Glenwood Refinement Plan diagram and text amendments) and TYP 411-00007 (Springfield Development Code amendments) and Lane County File Number PA 11-5489 contain supplemental findings and studies regarding Goals 9, 10, 12 and 15 that address the LUBA Remand; and

WHEREAS, the public hearings listed below were limited to address only the issues contained in the LUBA Remand regarding Glenwood Phase I; and

WHEREAS, On October 15, 2013, the Springfield Planning Commission held a work session and public hearing regarding the LUBA Remand and the criteria of approval, findings and recommendations as set forth in Exhibit A, together with the testimony and submittals of those persons testifying at the public hearing or in writing are part of the public record, and the Springfield Planning Commission voted -- to --, to recommend adoption of Glenwood Phase 1 LUBA Remand to the Springfield City Council and the Lane County Board of Commissioners; and

WHEREAS, on October 17, 2013, the Springfield City Council and the Lane County Board of Commissioners held a work session on the LUBA Remand; and

WHEREAS, on October 29, 2013, the Lane County Board of Commissioners held a first reading on the LUBA Remand; and

WHEREAS, on November 18, 2013, the Springfield City Council held a first reading and the Lane County Board of Commissioners held a second reading on the LUBA Remand and joint public hearing; and

WHEREAS, on December 2, 2013, the Springfield City Council held a second reading and the Lane County Board of Commissioners held a third reading on the Glenwood Phase 1 LUBA Remand; and substantial evidence exists within the public record as set forth in Exhibit A, together with the testimony and submittals of those persons testifying at the public hearing or in writing that has been considered and are part of the public record and the Springfield City Council is now ready to take action on the LUBA Remand.

NOW THEREFORE, THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

SECTION 1: The above findings and the findings set forth in Exhibit A and incorporated herein are hereby adopted.

SECTION 2: The previously adopted Glenwood Refinement Plan Diagram (Ordinance No. 6279) is hereby readopted in its entirety and further amended as set forth in Exhibit B designating 33.26 acres from Residential Mixed-Use to Residential Mixed-Use/Multimodal Mixed-Use Area, 14.58 acres from Commercial Mixed-Use to Commercial Mixed-Use/Multimodal Mixed-Use Area, 46.33 acres from Office Mixed-Use to Office Mixed-Use/Multimodal Mixed-Use Area, and 173.11 acres from Employment Mixed-Use to Employment Mixed-Use/Multimodal Mixed-Use Area in Glenwood Phase I; and the previously adopted Glenwood Refinement Plan, Phase I text (Ordinance No. 6279) is hereby readopted in its entirety and further amended by amending text, development policies and implementation strategies in portions of the Land Use and Open Space Chapters for Glenwood Phase I; and amending the findings for TYP411-00005.

SECTION 3: The previously adopted Springfield Development Code text (Ordinance No. 6279) is hereby readopted in its entirety and further amended as set forth in Exhibit C by amending Section 3.4-245; amending Section 3.5-280; amending Section 4.3-115; amending Appendix 3; and amending the findings for TYP411-00007.

SECTION 4: Severability Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED by the Common Council of the City of Springfield by a vote of ____ for and ____ against, this ____ day of _____, 2013.

APPROVED by the Mayor of the City of Springfield, this ____ day of _____, 2013.

ATTEST:

Mayor

City Recorder

Exhibit A for the following ordinance related to Glenwood Phase 1 can be viewed in its entirety by contacting Brenda Jones, City of Springfield, 541-726-3610 or bjones@springfield-or.gov

AN ORDINANCE COMPLYING WITH LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005 AND TYP411-00007 AND LANE COUNTY FILE NUMBER PA 11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT AND THE SPRINGFIELD DEVELOPMENT CODE, AND ADOPTING A SEVERABILITY CLAUSE.

The only changes made within Exhibit A were in Exhibits 15-4 and 15-5 which are attached to the ordinance in the Council Agenda Packet.

EXHIBIT 15-4 PROPOSED GLENWOOD REFINEMENT PLAN, OPEN SPACE CHAPTER AMENDMENT

CHAPTER: Open Space
SECTION: Natural Resources
SUB-SECTION: Wetlands & Riparian Areas
PAGES: 88-92

...

Statewide Planning Goal 15, Willamette River Greenway, requires a greenway boundary of 150 feet measured from the ordinary low water line, which allows development to occur within this zone as a discretionary use. Within this boundary, a Greenway Setback line is also required to delineate where only water-dependent and water-related development may occur, such as boat ramps, multi-use paths, and viewing areas (Figure 3). For much of the Glenwood Riverfront, the location of the Greenway Setback Line has not been formally established. The Implementation Strategies discussed below include working with property owners to establish ~~establishing~~ a standardized 75-foot ~~property-specific, variable-width~~ Greenway Setback Lines in the Glenwood Riverfront ~~[(measured from the top of bank) coterminous with the existing riparian setback]~~, as depicted in Figure 3. ~~Formally establishing the Greenway Setback Line in the Glenwood Riverfront will reduce uncertainty and provide~~ Figure 5a ~~in achieving Goal 15 standards for public access to and views of the river; protect fish and wildlife habitat; provide riverine flood hazard protection; promote restoration and enhancement of natural vegetation; and direct development away from the river.]~~

Objective:

Provide ample opportunities for people to access and enjoy the Willamette River and the natural environment while: complying with State and Federal Regulations; providing stable riverbanks; and conserving, protecting, restoring, and establishing a diversity of riparian habitats and wetlands in order to retain their properly functioning condition related to fish and wildlife habitat, riverine flood control, sediment and erosion control, water quality, and groundwater pollution protection.

Policies & Implementation Strategies:

- Restore, enhance, and protect the riverbank and riparian and wetland areas.
 - Work with property owners to ~~[E]~~establish a standardized Willamette River Greenway Setback Lines [of 75 feet from top of bank] for water-dependent and water-related uses ~~consistent with the existing 75-foot riparian setback]~~ in the Glenwood Riverfront.
- Integrate natural resources, urban interface/built environment, and water resources management.

...

- Limit recreation and associated improvements within the Riparian [and Willamette Greenway Setback areas] to passive activities including, but not limited to: picnicking; pedestrian activities; [by]bicycling; bird watching; fishing; educational, interpretive, and directional signage; and riverfront viewing.
- Locate a multi-use path at the outer most edge of the Riparian [and Greenway Setback areas], to the maximum extent practicable.

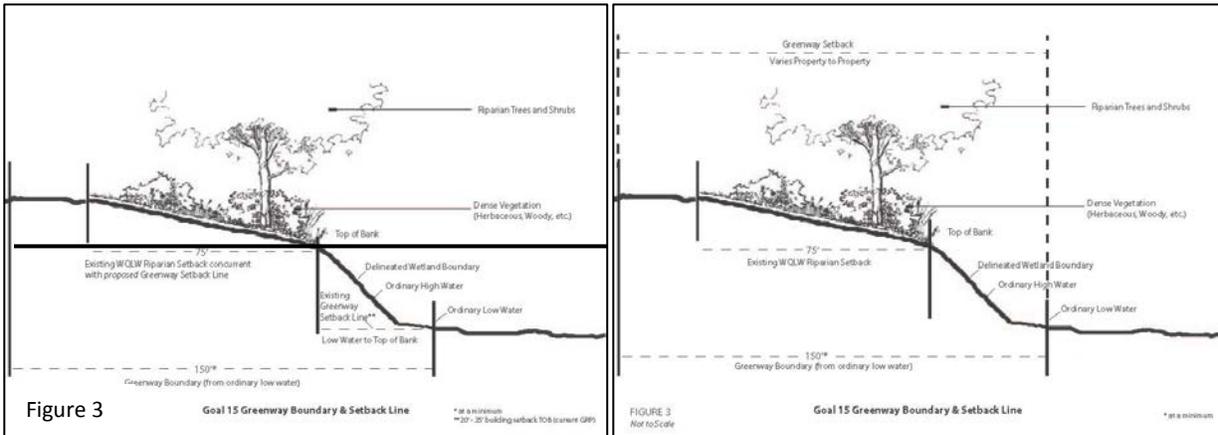


EXHIBIT 15-5 PROPOSED SPRINGFIELD DEVELOPMENT CODE AMENDMENTS

Note: Existing text to remain is depicted with an ellipsis (...). Proposed changes are highlighted, proposed text to be added appears underlined, and proposed text to be deleted appears in ~~strike through~~.

3.4-280 Willamette Greenway Development Standards

...

- C. Definitions. As used within the Glenwood Riverfront portion of the WG Overlay District, unless the context otherwise requires, the following terms are defined:

Boardwalk. A floating or non-floating platform that either provides pedestrian access along a shoreline or within a riparian area; it may also act as a bridge between two bodies of land.

Change of use. Making a different use of the land or water. Change of use includes changes that require construction or alteration to land or water outside of existing buildings, structures, or open storage areas and which substantially alters or affects land or water. It does not include: a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is located; the sale of property; or modifications of existing structures, as may be permitted by this Section.

Development. Any activity within the Glenwood Riverfront portion of the WG Overlay District that would alter the elevation of the land; remove or destroy plant life; cause structures of any kind to be installed, erected, or removed, or result in a measurable impact to the riparian area (See also Section 6.1-110 for other definitions of this term).

Dock. An individual secured and stationary or floating structure designed for uses including, but not limited to: mooring boats and fishing.

Enhancement. Increasing the net ecological functional values of the riparian buffer by any of the following: removal of impervious surfaces; restoring natural bank slopes; or increasing the cover and diversity of native vegetation.

Greenway Setback Line. A line that divides the Glenwood Riverfront portion of the WG Overlay District into two distinct areas. In the area between the ordinary low water line and the Greenway Setback line, [75 feet from the top of bank] only water-dependent and water-related uses may occur. In the area from the Greenway Setback Line to the WG Overlay District outer boundary, uses permitted in the base zone may be allowed in accordance with the standards and criteria of this Section.

Intensification. Any addition that increases or expands the area or level of activity of an existing use; or any remodeling of the exterior of a structure that will substantially alter the appearance of the structure. For the purposes of this definition, "intensification" does not include: maintenance and repair necessary for the continuance of an existing use; reasonable emergency procedures necessary for the safety or protection of property; or existing residential use of lands within the Glenwood Riverfront portion of the WG Overlay District that includes the practices and activities customarily related to the use and enjoyment of one's home, such as, landscaping,

construction of driveways, modification of existing structures or construction or placement of such accessory structures or facilities adjacent to the residence as are usual and necessary.

Ordinary high water line. The line on the bank or shore to which the high water ordinarily rises annually in a season.

Ordinary low water Line. The line on the bank or shore to which the low water ordinarily recedes annually in a season.

Maximum extent practicable. Text drawn from Oregon Statewide Planning Goal 15 (F.3.b.) intended to require a balancing of factors so that each of the identified Willamette Greenway criteria is met to the greatest extent possible without precluding the requested use.

Riverbank. A land feature or constructed structure that serves to contain the waters of a river. It can be distinguished from upland areas by the presence of riparian vegetation in close proximity to flowing water. Usually, the riverbank represents the limits of seasonal high water and periodic flood waters.

Top of Bank. See Section 6.1-110.

Water-dependent use. A use or activity that can be carried out only on, in, or adjacent to a water body, because the use requires access to the water body for transportation, recreation, energy production, or source of water. Except as necessary for water-dependent uses or facilities, residences, parking lots, factories and mobile home parks are not generally considered to be water-dependent uses.

Water-related use. A use that is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependent use. Except where as necessary for water-dependent or water-related uses or facilities, highways, restaurants, businesses, factories, and mobile home parks are not generally considered to be water-related uses.

D. Establishment of the Greenway Setback Line and Permitted Uses.

- 1.** Establishment of the Greenway Setback Line. In the Glenwood Riverfront portion of the WG Overlay District, the Greenway Setback Line shall be established to protect, maintain, preserve, and enhance the natural, scenic, historic and recreational qualities of the Willamette Greenway. Only water-dependent and water-related uses are permitted between the Willamette River and the Greenway Setback Line. The location of the Greenway Setback Line shall be determined consistent with the criteria specified in Section L.1.; L.4.; L.5.; L.7.; L.8; L.10.; and L.11. [75-foot upland from the top of the bank, coterminous with the existing 75-foot wide riparian setback as specified in Subsection 4.3-115A.1. The coterminous positions of these setbacks shall not lessen the significance of, or reasons for protecting, the Willamette Greenway.]

EXCEPTIONS:

- a. For property owners who received City approval to establish a Greenway Setback Line along the Glenwood Riverfront as specified in Section 3.3-300 prior to the effective date of this Ordinance, that approval shall continue to be in full force and effect when development is proposed within the WG Overlay District.

~~[b. For property owners who apply for approval to establish a Greenway Setback Line along the Glenwood Riverfront prior to the effective date of this Ordinance, the criteria of Section 3.3-325 shall be utilized. In this case, the Greenway Setback Line approval may occur after the effective date of this Ordinance. That approval shall also continue to be in full force and effect when development is proposed within the WG Overlay District.]~~

E. ...

L. Criteria. In the Glenwood Riverfront portion of the WG Overlay District, the applicant shall demonstrate compliance with the following criteria of approval:

- 1. Any development, change of use or intensification of use permitted in the base zone shall be oriented toward the river between the Willamette Greenway Setback Line and the Willamette Greenway outer boundary.

EXCEPTION: Proposed water-dependent and water-related uses listed in Subsection 3.4-280D.2. shall be permitted within the Greenway Setback Line.

- 2. Between the Greenway Setback Line and the Willamette Greenway outer boundary, any development, change of use or intensification of use shall provide the maximum possible landscaped area/open space between the activity and the river.
- 3. Significant air, water and land resources including but not limited to: natural and scenic areas; views; vistas; and fish and wildlife habitats in and adjacent to the Greenway shall be protected, preserved, restored, or enhanced to the maximum extent practicable.
- 4. The maintenance of public safety and protection of public and private property, especially from vandalism and trespass shall be provided to the maximum extent practicable.
- 5. The natural vegetative fringe along the river shall be enhanced, protected and maintained in order to assure scenic quality and view points, protection of wildlife, protection from erosion and screening of uses from the river.
- 6. Areas of annual flooding, floodplains and wetlands shall be preserved or restored in their natural state to the maximum extent practicable to protect water retention, overflow and other natural functions specified in Section 3.3-400.
- 7. Recreational needs shall be satisfied as specified in the Glenwood Refinement Plan and/or this Plan District.

8. Adequate public access shall be provided to and along the river by appropriate legal means for all development as specified in the applicable base zone, overlay district, or this Plan District.
9. Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored or enhanced to the maximum extent practicable.
10. Significant fish and wildlife habitats shall be protected to the maximum extent practicable.
11. Significant natural and scenic areas, viewpoints and vistas shall be protected to the maximum extent practicable.
12. Any necessary tree felling shall comply with Section 5.19-100 and shall occur in a manner that ensures the wildlife habitat and natural scenic qualities found in the Glenwood Riverfront portion of the WG Overlay District will be maintained and shall be restored by mitigation on-site. Only diseased trees or trees in danger of falling located between the ordinary low water line and the Greenway Setback Line may be removed with a certified Arborist's statement. However, snag retention shall be allowed. In the area between the Greenway Setback Line and the outer boundary of the Glenwood Riverfront portion of the WG Overlay District, tree felling may be permitted to the extent necessary to accommodate those permitted uses as specified in the applicable base zone, overlay district or this Plan District.

M. ...

4.3-115 Water Quality Protection

B. Permitted Uses in Riparian Areas. The following uses are permitted in riparian areas as long as they do not diminish riparian functions:

1. The planting of trees and native vegetation to promote bank stability, enhance riparian areas, minimize erosion, preserve water quality and protect federally listed species. Trees may be clustered to allow the preservation of views; or to allow maintenance vehicles to approach City maintained stormwater facilities including detention basins, outfalls, culverts and similar stormwater facilities as may be permitted by the Springfield Engineering Design Standards and Procedures Manual.
2. The felling of hazardous trees for safety reasons as specified in Section 5.19-100, Tree Felling.
3. Riparian area restoration and enhancement including the removal of invasive plant species, where necessary.
4. Flood control structures, where necessary.

5. Stormwater management systems and outfalls, as specified in the Springfield Engineering Design Standards and Procedures Manual or as required by other regulating authorities.
6. Multi-use paths for pedestrian and/or bicycle use shall be permitted, provided that the multi-use path drains away from the watercourse. Multi-use paths shall be located along the outer edge of the required riparian area and away from the watercourse. The multi-use path shall be located at the outermost edge of the 75 foot-wide ~~Greenway Setback Line~~/Riparian Setback to the maximum extent practicable. Utilities may be extended within a multi-use path.
7. Water-dependent or water-related uses between the Willamette River and the Greenway Setback Line as may be permitted in the Willamette Greenway Overlay District.
8. Private driveways, public street crossings, bridges and necessary culverts when there is no other vehicle access to the property. Crossings shall be preferably at right angles to the watercourse. Public and private utilities shall be permitted within the driveway, public street or bridge right-of-way.
9. Repair, replacement or improvement of utility facilities as long as the riparian area is restored to its original condition.
10. Routine repair and maintenance of existing structures, streets, driveways, utilities, accessory uses and other similar facilities.
11. Other activities similar to those listed above that do not diminish riparian function. The Director shall make the interpretations as specified in Section 5.11-100.

Appendix 3 – Glenwood Refinement Plan Policies and Implementation Strategies – Phase I

...

C. Open Space Chapter.

C.1. Riparian Areas and Wetlands.

C.1.a. Restore, enhance, and protect the riverbank and riparian and wetland areas.

C.1.a.1. Work with property owners to ~~establish~~ ~~a standardized~~ Willamette River Greenway Setback Lines ~~of 75 feet from top of bank~~ for water-dependent and water-related uses ~~consistent with the existing 75-foot riparian setback~~ in the Glenwood Riverfront.

C.1.a.2. Partner with property owners, private developers, non-profit organizations, and other agencies to seek opportunities and funding sources to acquire property and/or easements to create a contiguous

riverfront that is sensitive to natural resource function and the urban interface.

- C.1.a.3.** Restore, enhance, and protect the riverbank and riparian areas from the ordinary low water line to the Riparian Setback Line boundary using plants appropriate to the local urban aquatic and riparian areas and zones, as depicted in Figure 4.
- C.1.a.4.** Pursue funding for public/private partnerships to achieve riverbank re-shaping/benching, stabilization, and riparian and aquatic habitat restoration, as conceptually depicted in Figures 5a and 5b (also see Riverfront Linear Park objective).
- C.1.a.5.** Establish policy for vegetation management of river bank, riparian, wetland, and other natural resource areas through sustainable landscaping and controlling invasive species based upon introducing and supporting plants appropriate to the local urban aquatic and riparian areas and zones.
- C.1.a.6.** Incorporate into the Glenwood Mixed-Use Riverfront Plan District and the Springfield Engineering Design Standards And Procedures Manual, as appropriate, riverfront/river bank design concepts for developing an urban river's edge along the Glenwood Riverfront that improves conditions for fish, wildlife, plants and people.

C.1.b. Integrate natural resources, urban interface/built environment, and water resources management.

- C.1.b.1.** Establish and maintain riparian habitat connectivity to the maximum extent practicable, while allowing for and managing appropriate and limited public access to the river, as well as sight lines through the riparian area, as depicted in Figure 6.
- C.1.b.2.** Limit recreation and associated improvements within the Riparian ~~[and Willamette Greenway Setback areas]~~ to passive activities including, but not limited to: picnicking; pedestrian activities; ~~by~~ bicycling; bird watching; fishing; educational, interpretive, and directional signage; and riverfront viewing.
- C.1.b.3.** Locate a multi-use path at the outer most edge of the Riparian ~~[and Greenway Setback areas]~~, to the maximum extent practicable.
- C.1.b.4.** Allow for Low Impact Development approaches for Stormwater Quality Management facilities and/or wetland educational parks that establish or restore natural stormwater functions to be within the riparian boundary and setback, as depicted in Figures 7 and 8.

C.1.b.5. Utilize the objectives, policy and implementation strategies listed in the Riverfront Linear Park section of this document.

C.2. Flood Plains...

MINUTES OF THE
JOINT ELECTED OFFICIALS MEETING OF
THE SPRINGFIELD CITY COUNCIL,
AND LANE COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 18, 2013

A joint elected officials meeting with the City of Springfield and Lane County was held in the Springfield Library Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, November 18, 2013 at 7:00pm with Mayor Lundberg presiding.

ATTENDANCE

Mayor Lundberg opened the meeting of the Springfield City Council.

Board Vice-Chair Bozievich opened the meeting of the Lane County Board of Commissioners.

Present from Springfield were Mayor Christine Lundberg and Councilors Wylie, Moore, Ralston, Woodrow and Brew. Councilor VanGordon was absent (excused). Springfield City Manager Gino Grimaldi and other Springfield staff were also present.

Present from Lane County were Board Vice-Chair Bozievich and Commissioners Farr, Sorenson and Stewart. Board Chair Leiken was absent (excused). Lane County Planning Manager Matt Laird and other Lane County staff were also present.

PUBLIC HEARING

1. Glenwood Phase 1 Update (Springfield File Nos. TYP411-00005 & TYP411-00007, Lane County File No. PA 11-5489).

Assistant City Manager Jeff Towery read the Springfield ordinance title into the record:

ORDINANCE NO. 1 – AN ORDINANCE COMPLYING WITH LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005 AND TYP411-00007 AND LANE COUNTY FILE NUMBER PA 11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT AND THE SPRINGFIELD DEVELOPMENT CODE, AND ADOPTING A SEVERABILITY CLAUSE.

Commissioner Bozievich read the Lane County ordinance title into the record.

ORDINANCE NO. PA 1308 - AN ORDINANCE COMPLYING WITH LAND USE BOARD OF APPEALS (LUBA) REMAND (2012-077/078/079) BY INCORPORATING SUPPLEMENTAL FINDINGS INTO THE RECORD OF SPRINGFIELD FILE NUMBERS TYP411-00005 AND TYP411-00007 AND LANE COUNTY FILE NUMBER PA 11-5489, AND AMENDING THE GLENWOOD REFINEMENT PLAN DIAGRAM AND TEXT AND THE SPRINGFIELD DEVELOPMENT CODE, AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE.

City Planner Molly Markarian presented the staff report on this item. Tonight's meeting was to discuss Glenwood Phase 1, the approximately 275 acres along the Franklin and McVay riverfronts in the Glenwood area of Springfield. Beginning in 2008, staff worked collaboratively with citizens and our partner agencies to develop an updated Glenwood Refinement Plan that articulated the community's vision for a vibrant, dense and multimodal riverfront that enhanced access to and appreciation of the Willamette River. The public hearing phase of that adoption process was initiated before the joint Planning Commissions in October 2011. Later that year, the joint Planning Commissions unanimously recommended adoption of a package of amendments for Glenwood Phase 1, including Metro Plan, Refinement Plan, Development Code, and Zoning Map amendments. With modifications made to the proposed amendments as they were reviewed by the Planning Commissions and elected officials, the City Council unanimously adopted Glenwood Phase 1 in June of 2012. The Board of County Commissioners unanimously co-adopted Glenwood Phase 1 in September 2012. Later that month, attorney Bill Kloos filed a Notice of Intent to Appeal on behalf of his client, Shamrock Homes. Since then, staff had been working through the state's land use appeals process with the assistance of legal counsel.

In July of this year, the Land Use Board of Appeals (LUBA) issued its final decision which remanded portions of four of the nine alleged assignments of error. The purpose of tonight's public hearing was to receive testimony on the amendments to the Glenwood Refinement Plan, Springfield Development Code, and findings of compliance with the Statewide Planning Goals that were proposed to address the Remand. Notice was sent to the Department of Land Conservation and Development (DLCD) on September 11, 2013 and notice was also mailed to property owners and those participating in the proceedings to date on October 4, 2013. Notice of this public hearing was also published in the Register Guard on October 4, 2013.

As documented in the minutes in Attachment 2 of the agenda packet, the Planning Commission held a public hearing on this package of amendments on October 15th. Without making any modifications, the Planning Commission unanimously recommended that the Council and Board adopt the amendments as documented by the Final Order in Attachment 3 of the agenda packet. Staff then presented the proposed amendments to the Council and Board at the October 17th work session, the minutes of which constituted Attachment 4 of the agenda packet. Attachment 1 of the agenda packet contained the proposed Ordinance and Exhibits. Exhibit A of the Ordinance was the staff report addressing the Remand. The remaining, very lengthy exhibits were comprised largely of studies that aided in substantiating the findings in Exhibit A.

In summary, staff proposed amending findings in Exhibit A of the Ordinance such that they justified policy choices in the updated Refinement Plan consistent with the City's legally acknowledged Economic Opportunities Analysis. They also proposed amending the findings in Exhibit A of the Ordinance to provide a more adequate explanation for why policy choices in the updated Refinement Plan were consistent with the Metro Plan's housing policies. In addition, staff proposed designating the Glenwood Riverfront a Multimodal Mixed-Use area, a designation that captured the essence of the dense, highly connected mixed-use and multimodal environment that the Glenwood Phase 1 policies and regulations aimed to facilitate and support. This was a statewide designation that did not exist when the Plan was originally adopted but was included in laws that went into effect this year, laws under which LUBA based its assessment of the appeal. Additionally, staff proposed amending the

findings in Exhibit A of the Ordinance to explain and find support for the original congestion calculations.

Finally, staff proposed amending the establishment of a standardized 75-foot Greenway Setback Line to one that would be established on a case-by-case basis as development occurred and would be based on an inventory of natural resources. On this topic, she emphasized that at this time, staff was not proposing to establish a new Greenway setback line. Since the standardized setback line was intended to streamline the development review process and was based on staff's knowledge of the riverfront's natural resources at that time, the City had undertaken the key task associated with establishing a setback line for property owners and would offer it free of charge to applicants to cite in their individual application. Property owners could, if they chose, conduct their own inventories to justify the setback line they requested to establish at the time of development.

In closing, adoption of the amendments summarized was the next step towards seeking acknowledgement of the Phase 1 Glenwood Refinement Plan and would bring the City of Springfield one step closer to providing certainty to developers and the public regarding what was planned for the Glenwood Riverfront. Following tonight's public hearing, a joint meeting had been scheduled for December 2nd for the Council's second reading, the Board's third reading, and the opportunity to adopt the amendments.

Councilor Brew asked if the adopted amendments, if approved, would go back to LUBA to determine if they were sufficient.

City Attorney Mary Bridget Smith said if the changes were adopted, they could be appealed to LUBA, but would not otherwise go to LUBA for review.

Mayor Lundberg opened the public hearing for the Springfield City Council.

Board Vice-Chair Bozievich opened the public hearing for the Lane County Commissioners.

1. Gregory James, Springfield, OR. Mr. James said the Planning Commissions, City Council and Board of Commissioners thoroughly examined this plan through the public hearing process during 2011 and 2012 and it was well vetted throughout the community. What was before the Council and Board were amendments that addressed items which LUBA issued remand on and represented reasonable modifications to the Plan necessary to bring the Plan into compliance with all legal technicalities of statewide planning goals. On October 15, 2013, the Springfield Planning Commission unanimously recommended the elected officials adopt the amendments. Adopting these amendments to address the LUBA remand was imperative to providing certainty to the development community and ensuring the vision of establishing the Glenwood Refinement Plan could be achieved. He appreciated the elected officials taking the time to hear the public comment as it was extremely important for this community.
2. Steve Moe, Glenwood, Eugene, OR. Mr. Moe said after the interstate bypassed Glenwood, the area took a downward spiral and became a place to be avoided. Glenwood eventually became part of the Springfield urban growth boundary (UGB) and the City quickly took notice of the potential redevelopment in existing areas and potential new development in

undeveloped areas. State land use laws and the Metro Plan stated that a Refinement Plan in Glenwood would be created. Springfield began to meet with citizens and property owners to get ideas of how they envisioned the future of Glenwood. Outside studies, application of State land use laws, and input from area residents, business owners, and property owners provided factors to consider. Every idea was considered and molded into the Glenwood Refinement Plan before the Council and Board tonight. The City put together some visions and met with the public to get more comments and thoughts. The Glenwood Refinement Plan was created in that process and submitted to Springfield, Eugene and Lane County Planning Commissions. All Planning Commissioners approved the Plan and forwarded it to the City Councils and County Commissioners. At that time, one landowner stepped forward and wanted a zone change to accommodate his particular property. That would have meant that the entire public process would need to be repeated, but it was too late. The Plan was submitted to the City Councils and Commissioners in public hearings and was approved. Now Glenwood could move forward and attract builders and developers to shape our community, but the property owner appealed the Glenwood Refinement Plan to LUBA making it unusable for a year and a half. LUBA recommended changes and the City made those changes. The elected officials now had the revised Glenwood Refinement Plan and it should be approved, although the unhappy property owner was still not pleased. He hoped that further appeals and legal issues didn't happen. When the Refinement Plan was under an appeal, even for a small issue, there were those that believed the entire Plan could be challenged. Some developers may see that as a problem and look elsewhere to develop. They had worked many years to get Glenwood to where it was now; an attractive community respected by the surrounding cities. He asked them to please pass the amendments and ask those that were not entirely pleased to join in and make Glenwood a place they all could be proud of.

3. Rick Satre, Springfield, OR Mr. Satre distributed a copy of his testimony to the elected officials. Tonight he was speaking as a twenty-plus year small business owner, thirty-plus year Springfield resident, with nearly forty years of experience as a land use planner. He was speaking in favor of the proposed amendments. The Glenwood Refinement Plan was an excellent example of community planning. Development of the Plan involved three years of extensive public involvement. The Planning Commissions, City Council and Board of Commissioners thoroughly examined the Plan through a public hearing process throughout 2011 and 2012. Since adoption of the Plan in September 2012, momentum had continued to build in the Glenwood Refinement Plan area. Since then, Council had annexed Franklin Boulevard, including NEPA and initial designs. A capital improvement project was underway extending sanitary sewer service along McVay Highway and private sector property owners were stepping forward. There had been one private property annexation completed since adoption of the Plan, and there were three others in process in the riverfront area. The development community had noticed the Plan, liked the Plan and was beginning to invest their hard-earned dollars to help implement this community vision. No plan was perfect and all plans were at risk of legal challenges. The appeal before them represented an individual property owners' point of view. That property owner had a right to that point of view. While development of the Plan represented the perspectives of a wide range of stakeholders, everyone needed to have their due opportunity. In his opinion, the appeal was a hiccup in the road to acknowledgement. The package of amendments addressed the items upon which LUBA issued its remand. These proposed amendments represented reasonable modifications

to the Plan that were necessary to bring the Plan into compliance with the complexity of Oregon land use law and statewide planning goals. Adoption of the amendments would bring the Plan one step closer to acknowledgement. In the end, it was all about success, finding balance, and bringing certainty to the development community, property owners, business owners and the City. He was in favor of the proposal before the elected officials.

4. Bill Kloos, Eugene, OR. Mr. Kloos distributed a ten-page letter to the elected officials. He was representing Shamrock Mobile Home Park and Yoon Shin. A year ago his client asked to be left out of the Plan, but was told no. They identified in a letter to the City the shortcomings of the Plan and filed an appeal. Ten issues came back from LUBA and city staff had addressed each of them in a systematic fashion. The letter being provided was the initial take of he and his client of the legal shortcomings in the City's response. They didn't have time to prepare this letter for the Planning Commission due to a short turn-around time. They did ask for more time, but were again told no. He also provided a CD with a study that staff was relying on, but was not in the record. The ten issues were laid out in the letter. Mr. Kloos referred to a comment from Mr. Moe and said his client didn't ask for a change, but asked to be left alone. His client had an 11-acre mobile home park fully built out. Under the original scheme, his property was split-zoned between medium density residential and commercial. His long-term plan was to recycle that mobile home park and develop some retirement housing. Under the old zoning, he could do that; under the new designation of mixed-use employment, his site was destined to remain what it was for decades because his client believed there wouldn't be a market for the kind of uses allowed in mixed-employment for decades at that location. That meant he would not be able to redevelop and that his existing use would stay. That was counter to the City's objectives. The City wanted to see that site renovated into something more functional for the City. If his client's property were left alone, that would likely happen.

Mayor Lundberg asked the Council if they wanted to keep the record open. They did not.

Commissioner Sorenson asked if the documents submitted would be part of the County record. Yes.

Vice-Chair Bozievich asked the Commission if they wanted to keep the record open. They did not.

Mayor Lundberg closed the public hearing for the City of Springfield.

Vice-Chair Bozievich closed the public hearing for Lane County. He asked Mr. Laird to explain why a third and fourth reading was needed for this item due to a minor change in a County ordinance.

Mr. Laird said they needed to have a third reading to announce a fourth reading on December 17, 2013, due to another ordinance that was needed to amend Chapter 10 which referenced the Glenwood Refinement Plan. That was not in the original packet, so would be added on December 3, and again on December 17.

County Counsel said what was in front of the Board of Commissioners was an ordinance which amended the Refinement Plan. They recently found that they were missing the ordinance that amended the Lane Code in Chapter 10 which referenced the City of Springfield Code. That needed to be referenced in Chapter 10 so a separate ordinance was needed. The first reading on the new ordinance

would be December 3, with a hearing and adoption on December 17. This didn't affect the substance of anything, but was needed to allow the decision on both to be done at the same time.

Discussion was held regarding the readings and adoption dates of the current and new ordinances.

Vice-Chair Bozievich clarified that tonight they needed a motion to accept the second reading, setting a third reading for the December 2 joint meeting, knowing that the County would need a fourth reading for final action on December 17. Separate from that, the County would need a first reading of a separate ordinance on December 3, and set the second reading for December 17.

Commissioner Sorenson asked about the Board schedule and an Executive Session. It was noted that the notice for that meeting had gone out today.

Commissioner Stewart asked if City staff had a chance to review the letter provided by Mr. Kloos. No. After staff reviewed the letter, he would like to have information brought back for the next reading. If there were substantive changes from that information, additional readings could be required.

Councilor Ralston asked about information that was handed out by Mr. Kloos. He asked what the difference was between leaving Mr. Kloos' clients' land zoned the way it was and changing it with the new Plan.

Ms. Markarian said it was being re-designated to employment mixed-use, which was similar to the campus industrial zoning in Gateway. That was a use that would permit light manufacturing and also offices compatible to light manufacturing. There could also be support commercial services.

Councilor Ralston asked if no one had talked to the owners during this process.

Mr. Grimaldi said there was an extensive process of public hearings and opportunities to comment and notices over three years.

Councilor Ralston said the property owner had the opportunity. The unfortunate thing was that it had caused this delay and could cause another delay.

Councilor Moore asked a question about a comment in the letter.

Mayor Lundberg said the record was closed. The letter would be responded to by staff once they had a chance to review the letter.

Mr. Laird said they were not required to hold a joint meeting on December 2 since the record was closed. They could meet individually if they chose.

Commissioner Stewart said because Springfield would bring back information regarding the letter, he would prefer a joint meeting to have an opportunity to ask questions of staff and hear their responses.

IT WAS MOVED BY COMMISSIONER STEWART WITH A SECOND BY COMMISSIONER FARR TO MOVE THE SECOND READING AND SETTING A THIRD READING FOR ORDINANCE PA 1308 TO A JOINT MEETING ON DECEMBER 2, 2013 7:00PM AT SPRINGFIELD CITY HALL. THE MOTION PASSED WITH A VOTE OF 4 FOR AND 0 AGAINST (1 ABSENT – LEIKEN)

ADJOURNMENT

Mayor Lundberg adjourned the Springfield City Council at 7:35 pm.

Commissioner Leiken adjourned the Lane County Commissioners at 7:38 pm.

Minutes Recorder
Amy Sowa
City Recorder

Christine L. Lundberg
Mayor

Attest:

City Recorder