



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

12/11/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Springfield Plan Amendment  
DLCD File Number 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 27, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Andy Limbird, City of Springfield  
Gordon Howard, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

**DEPT OF**

**DEC 07 2012**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Springfield**

Local file number: **TYP312-00004**

Date of Adoption: **12/4/2012**

Date Mailed: **12/5/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/26/2012

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Rezone a portion of Tax Lot 300 from Low Density Residential (LDR) to Neighborhood Commercial (NC); and rezone a portion of adjoining Tax Lot 400 from Medium Density Residential (MDR) to NC to facilitate creation of a developable commercial site.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: **LDR & MDR**

to: **NC**

Location: **5887 Main St. & vacant; 17-03-34-33, TL 300 & 400**

Acres Involved: **0.97**

Specify Density: Previous: **5-20 upa**

New: **0 upa**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 003-12 (19567) [17262]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, Springfield Utility Board

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Local Contact: **Andy Limbird**

Phone: (541) 726-3784 Extension:

Address: **225 Fifth Street**

Fax Number: **541-726-3689**

City: **Springfield**

Zip: **97477-**

E-mail Address: **alimbird@springfield-or.gov**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**  
per ORS [197.615](#) and [OAR Chapter 660, Division 18](#)

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information ([ORS 197.615](#) ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption ([ORS 197.830 to 197.845](#) ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. ([ORS 197.615](#) ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF SPRINGFIELD, OREGON**

**REQUEST OF ZONE CHANGE**

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+  
+

**CASE NO. TYP312-00003  
FINDINGS, CONCLUSIONS,  
AND ORDER**

**NATURE OF THE APPLICATION**

Zone change from Low Density Residential and Medium Density Residential to Neighborhood Commercial for Assessor's Map 17-03-34-33, portions of Tax Lots 300 and 400, municipally addressed as 5887 Main Street and adjoining vacant parcel.


1. On October 24, 2012 the following application for a Zone Change was accepted: Rezone approximately 0.47 acres of land from Low Density Residential to Neighborhood Commercial (ptn. Tax Lot 300) and Rezone approximately 0.47 acres of land from Medium Density Residential to Neighborhood Commercial (ptn. Tax Lot 400), Case Number TYP312-00003, City of Springfield, applicant. The areas requested for rezoning are generally depicted and more particularly described in Attachment 1 to this Final Order.
2. The application was submitted in accordance with Section 5.4-105 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 5.2-115 of the Springfield Development Code, has been provided.
3. On December 4, 2012 a public hearing on the zone change request was held. The Development and Public Works Department staff notes including criteria of approval, findings and recommendations, together with the testimony and submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

**CONCLUSION**

On the basis of this record, the requested zone change application is consistent with the criteria of Section 5.22-115 of the Springfield Development Code and with the Residential Land Use and Housing Element of the *Springfield 2030 Refinement Plan*. This general finding is supported by the specific findings of fact and conclusions in the attached staff report (Exhibit A) and revised zoning diagram (Exhibit B) attached hereto.

**ORDER**

It is ORDERED by the Planning Commission of Springfield that Case Number TYP312-00003, Zone Change Request, be approved. This ORDER was presented to and approved by the Planning Commission on December 4, 2012.

  
Planning Commission Chairperson

**ATTEST**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

**Attachment 1:** Zoning Area Map and Legal Descriptions



**REZONING OF 5887 MAIN STREET FROM LDR TO NC  
AND ADJACENT VACANT LOT FROM MDR TO NC  
MAP 17-02-34-33, TAX LOTS 300 & 400**



**ZONING MAP LEGEND**

- Low Density Residential (LDR)
- Medium Density Residential (MDR)

- Community Commercial (CC)
- Neighborhood Commercial (NC)
- General Office (GO)



## **Exhibit "A"**

### ***Portion of Tax Lot 17-02-34-33-00300 (owner: Mountainvale Apartments, LLC) proposed to be Re-Zoned by the City of Springfield***

Beginning at the Southeast corner of Parcel 2 of Partition Plat 94-P0473, Lane County Plat Records, Lane County, Oregon, said point also being on the North right of way line of Aster Street;

thence North  $0^{\circ}01'30''$  East 328.94 feet to a point on the South right of way line of the McKenzie Highway as established per County Survey File number 31847, Lane County Surveyors Office Records, Lane County, Oregon;

thence on said South right of way line North  $88^{\circ}14'33''$  East 66.03 feet;

thence leaving said South right of way line South  $0^{\circ}01'30''$  West 318.21 feet to a point of curvature;

thence on a non tangent curve turning to the left an arc length of 67.28 feet, with a radius of 480.00 feet, with a chord bearing of South  $79^{\circ}03'40''$  West, with a chord length of 67.23 feet to the Point of Beginning.

The area of the parcel herein described is 21,303 square feet.

The Basis of Bearings for this description is County Survey File number 31847, Lane County Surveyors Office Records, Lane County, Oregon.

## **Exhibit "B"**

### ***Portion of Tax Lot 17-02-34-33-00400 (owner: McKenzie Valley Development, LLC) proposed to be Re-Zoned by the City of Springfield***

Commencing at the Southeast corner of Parcel 2 of Partition Plat 94-P0473, Lane County Plat Records, Lane County, Oregon, said point also being on the North right of way line of Aster Street;

thence on a non tangent curve turning to the right an arc length of 67.28 feet, with a radius of 480.00 feet, with a chord bearing of North 79°03'40" East, with a chord length of 67.23 feet to the True Point of Beginning;

thence North 0°01'30" East 318.21 feet to a point on the South right of way line of the McKenzie Highway as established per County Survey File number 31847, Lane County Surveyors Office Records, Lane County, Oregon;

thence on said South right of way line North 88°14'33" East 66.03 feet;

thence leaving said south right of way line South 0°01'30" West 316.77 feet to a point on the North right of way line of Aster Street;

thence North 89°44'00" West 5.90 feet to a point of curvature;

thence on a tangent curve turning to the left an arc length of 60.23 feet, with a radius of 480.00 feet, with a chord bearing of South 86°40'18" West, with a chord length of 60.19 feet to the Point of Beginning.

The area of the parcel herein described is 20,905 square feet.

The Basis of Bearings for this description is County Survey File number 31847, Lane County Surveyors Office Records, Lane County, Oregon.

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DEPT OF

DEC 07 2012

LAND CONSERVATION  
AND DEVELOPMENT

**CITY OF SPRINGFIELD**  
DEVELOPMENT SERVICES DEPARTMENT  
225 5th ST  
SPRINGFIELD, OR 97477

Attention: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem OR 97301-2540